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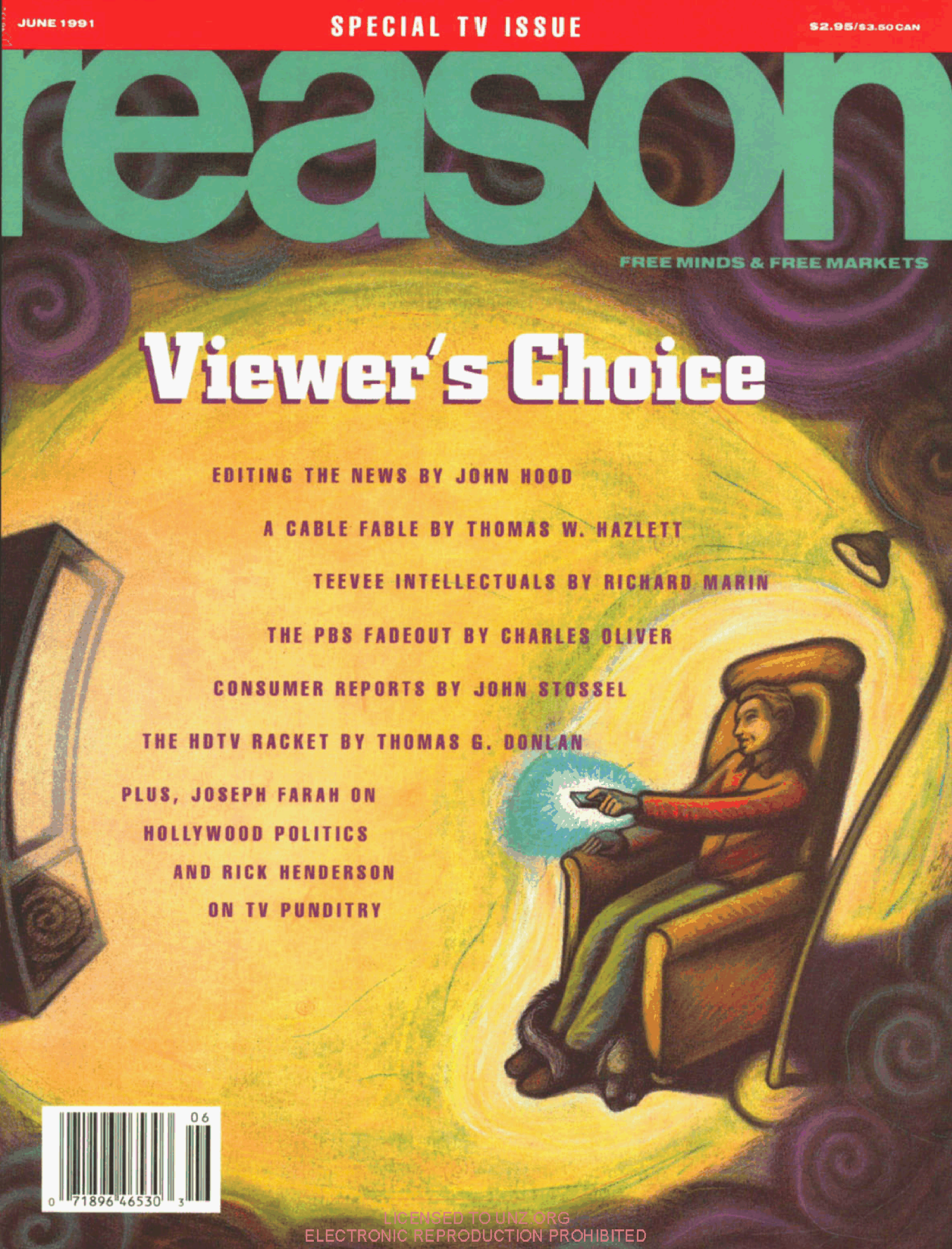

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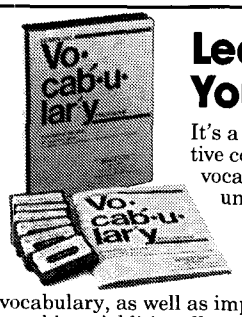

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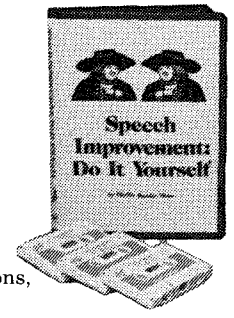

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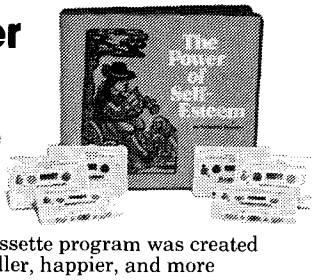

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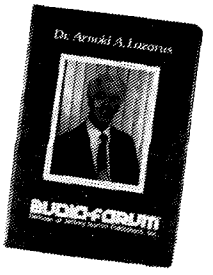

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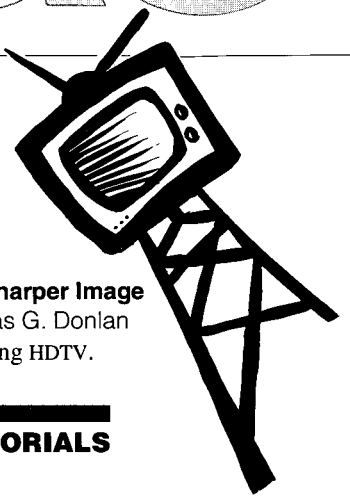

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WHY WOMEN CAN'T COMMIT

VIRGINIA I. POSTREL

The last few months have marked an interesting change in the debate over the rights and status of women in this country. Above the whine of feminism, with its invocations of victimhood and of woman's special status, we have begun to hear the old voices of women's liberation, calling for equal rights.

The dichotomy is a tad simplistic, but widely recognized. Once, the women's movement claimed for women the same rights—political, economic, educational, social—that men enjoyed. Like all such movements, it had its extremes, those who denied any significant difference between the sexes and demonstrated a notable lack of humor. The public made much of the movement's minor points, especially those that questioned such chivalrous gestures as opening doors for women. Eventually, most of us settled down into a nonideological middle ground, where women aren't reminded of their difference every time they enter a room, leave an elevator, or sit down in a restaurant, but where politeness permits the occasional gracious act—and allows women to reciprocate.

Because it evoked a fundamental sense of fairness and harkened back to basic American ideas of equality before the law, women's liberation won the hearts of Americans who would never admit they'd been smitten. For anyone who doubts this triumph, we have the experience of Desert Storm.

In the Persian Gulf War, women soldiers were taken prisoner. Women soldiers died in action. The world did not end. Americans did not rise up in indignation. Any serious protests were directed at the war in general, not at the deployment of female warriors. Middle America—whatever its earlier abstract views of female soldiers—seemed not merely to accept but to relish this great experiment as perfectly natural, especially compared to the unenlightened ways of the Saudis. It was practical and normal for women and men to work together, even in military endeavors. And in a decidedly foreign culture, it seemed very American.

During the Gulf War, that great advocate of women's rights, Rep. Patricia Schroeder (D-Colo.), was busy making noise. Schroeder, who has long pushed for putting women into combat roles, decided she does want to see limits on the use of female troops: She doesn't want any military moms to leave the kids with no parent at home. (Her objection extends to fathers, but the numbers make this a women's issue.)

This after-the-fact attempt to revise military contracts exemplifies a common attitude. Schroeder and others like her don't want women to take their commitments seriously. They treat grown women as ignorant children who must be protected by a paternalistic state. They argue that single mothers who sign up for military service shouldn't have to keep their promises. They call for "rights," without reciprocal responsibilities.

This petulant attitude extends beyond the military context, tempering whatever enthusiasm the reappearance of rights-based feminism might inspire. Unfortunately, both predominant strands of feminism deny the importance of commitments to women's freedom.

Consider the Supreme Court's landmark "fetal protection" decision. In March the Court ruled unanimously that employers may not exclude women from jobs that might expose a fetus to toxic substances. The employer in question, battery maker Johnson Controls Inc., wouldn't let women work in factory jobs that would expose them to lead unless the women could prove they were sterile. The Court declared such policies illegal under Civil Rights Act of 1964.

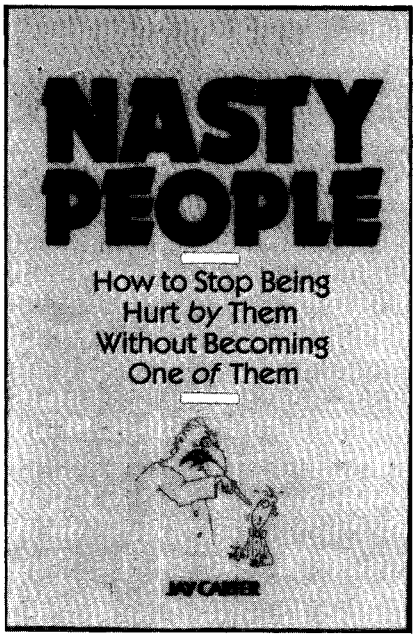
The Court's rhetoric sounds like a ringing defense of women's rights to assume risks and responsibilities. "Decisions about the welfare of future children must be left to the parents who conceive, bear, support and raise them rather than to the employers who hire those parents," Justice Harry A. Blackmun wrote for the majority.

But "fetal protection" policies are less paternalistic than the legal situation that gives rise to them. No woman—no matter how well informed—can sign a contract with an employer declaring that she will not sue it for damages caused by voluntary exposure to toxic chemicals. Such a contract would never stand up in court.

That the legal system has effectively outlawed countless contracts is nothing new, nor is it gender-specific. Men can't voluntarily sign away their rights to sue, either. But the erosion of contract rights is especially hurtful to women. In part, this is because of history. In part, it is because of the particular contracts that have been attacked.

Until this century, most women were denied the right to make commitments on their own behalf—to own property, to sign contracts, to arrange their own working hours with employers. Often "for their own protection," women were thrust into one-size-fits-all arrangements that recognized neither their autonomy nor their individuality.

Yet today we hear calls for restrictions on choice, even from "liberal" feminists—those who talk about equality



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and individual rights, rather than woman's "different voice" and superior sensitivity. A woman must not be able to choose, for example, a job that does not grant her 12 weeks leave after the birth of a child, even if that woman has no more intention of having a child than does the woman who wants to work making car batteries. And even if the job, like battery production, pays better than a more family-friendly alternative.

"The most dramatic change in the lives of young women—although many have no wish to recognize it—is that marriage is not a viable career. Under favorable circumstances it remains a rewarding personal relation, but it no longer serves as a surrogate career. Today, no law, no father, no brother can force a man to support a woman," writes communitarian Elizabeth Fox-Genovese in *Feminism Without Illusions*. This statement may say more about how the security of tenure has warped Fox-Genovese's picture of the typical "career," but it captures an important point.

Ideally, marriage contracts should be like wills, with the parties' expressed commitments taking precedence over the default contract offered by the state. But the options available to women, and their husbands, are as narrow as ever. They have merely changed to suit different tastes. Women can no longer enter into marriage contracts that assure them financial support. And a good lawyer can break nearly any prenuptial agreement, usually on the woman's behalf.

One of the most meaningful ways we use freedom is to make commitments, to bind ourselves, yes, but in ways of our own choosing. This is how we build a life apart from the bonds of inherited status. Free people trade. They form associations. They employ one another. They create communities. Even "atomized individuals" tend to form molecules. To dictate the shape of those associations, the terms of those contracts, is to deny individuals—women and men—the freedom to invent their own lives. That is not liberation. ◻

SCYLLA AND CHARYBDIS

CHARLES OLIVER

As millions of refugees flee from Saddam Hussein's forces, calls have already gone out for George Bush to resume military action against Iraq. Ironically, some of the strongest demands have been from legislators who originally opposed war against Saddam.

But for some of us who had doubts about the wisdom of George Bush's war against Iraq, the aftermath of the war has only deepened our ambivalence.

The *Wall Street Journal* stated the case for resuming military action when it wrote that "George Bush's early instincts were right—Saddam is indeed 'another Hitler.'...Any post-war order in the Middle East cannot be sustained with a Baathist regime at its center."

Granted, Saddam is thoroughly evil. The Kurds and Kuwaitis will testify to that. Television footage of the hundreds of oil wells left burning in Kuwait confirms that the Iraqis turned the Middle East into hell on earth, with Saddam as its Satan.

But what exactly did the war against Iraq accomplish? True, we saved the Kuwaitis from Saddam. But we allowed the emir of Kuwait, a more likable thug than Saddam but still a thug, to regain his throne. (And only after American forces had replaced the gold fixtures in his palaces.) The Kuwaitis are no longer tortured by Iraqis. But those who dare demand democracy are reportedly harassed by allies of the emir. And summary executions of people suspected of collaborating with the Iraqis are commonplace.

We prevented Saddam from using Kuwaiti oil money to fuel his military machine. He can no longer threaten to invade other neighbors. But the millions of refugees he has forced into Turkey and Iran are themselves dangerously destabilizing the region.

So maybe, as some suggest, we just stopped too soon. We should have gone on to Baghdad and overthrown Saddam. But then what? Would we set up an occupation government? For how long? Would the government we would eventually leave behind command the respect of its people or its neighbors? Would the Kurds be satisfied as part of a democratic Iraq, or would they want their own homeland? And would the Kurds in Turkey then want to join their brothers?

I don't know the answers. Neither does anyone else. The Middle East consistently confounds the "experts."

It is a cliché to note that for 5,000 years the people of the Middle East have warred with one another. The same is true of any region. But since the breakup of the Ottoman Empire the Middle East has been especially—and violently—divided by religion, ethnic identity, language, class, and nationality. It won't soon become an orderly place no matter what the United States does.

Friends who backed the war tell me that its biggest benefits are unseen. They say that it was rather like the allies stopping Hitler in the Sudetenland rather than waiting and enduring the bloodshed of World War II. Perhaps we did stop Saddam before he could become a bigger threat, though it's possible that other regional powers might have attacked Saddam if the United States hadn't. My friends also tell me that we have warned future dictators not to invade other countries. More likely, we have just warned them to be more careful about whom and how they invade.

The only thing that seems certain is that America faces another difficult choice: We can abandon the Kurds and wash our hands of a situation that we helped create. Or we can remain in the Middle East to correct things and perhaps become trapped in a quagmire from which we won't easily escape. Either way, our victory doesn't seem as quick and simple now as it did in early March. ◻

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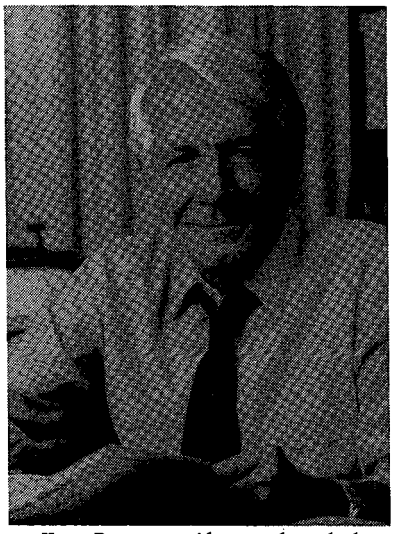

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LETTERS

War Correspondence I

Charles Krauthammer's argument for an interventionist foreign policy ("In From the Cold War," Mar.) was for years also advanced on behalf of an interventionist domestic policy: In its absence there will be "chaos." Unless "world order is imposed by the West," he writes (meaning imposed by the United States), the world will be "chaotic and highly dangerous." We must, therefore, "impose our will" on "recalcitrant actors who threaten the world system." (This is conveniently defined as a "state of nature without a police force.") Substitute the word *economic* for *international* in the following Krauthammer dictum, and you hear the voice of the central planner (and perhaps also Krauthammer himself a decade ago): "Unless the international system is actively, consciously, and willfully shaped into a stable form, it adopts an anarchic and dangerous form."

Krauthammer's comments have the merit of candor. America should throw its weight around in the world, he says, and needn't bother to disguise power as principle. Rarely do foreign-policy people speak so plainly. Power should be applied ad hoc, not on the basis of "systematic principle," he says. His undeclared philosophy is that might makes right.

Of course, the easy destruction of Iraq's military showed that Saddam Hussein never did constitute a threat to world peace. Nor did his invasion of Kuwait threaten American vital interests. Kadafi sells us Libyan oil, and Hussein had every intention of selling us Iraqi/Kuwaiti oil, as was inherent in the logic of those who warned that he would enrich himself by doing so. If our real objection is to Third World countries' enriching themselves or acquiring nuclear weapons, then our objections should be so stated.

"We can make an example of Iraq," Krauthammer said, suggesting the advancement of just such an unstated policy goal. Such a policy, whether disguised or overt, will not be easy to achieve. In invading Kuwait, Saddam Hussein infringed a clear-cut U.N. rule: Don't cross borders with armies. Future potential targets of U.S. wrath will find it easy to avoid this infraction. Krauthammer thinks that our "weight will [now] be respected throughout the world," but the U.S. reaction to the invasion of Kuwait is more likely to encourage prudence among tyrants than an end to tyranny.

As for the possibility that Saddam & Co. might at some point have missiles with 7,000-mile ranges, this is an argument for missile defenses, not for invading foreign lands. The problem with the U.S. military at present is that it is all offense and no defense. If the United States is going to get into the business of smashing up countries because they might at some point develop modern weapons, then we had better build a defensive system soon, because we are going to need one.

When Joshua Muravchik was asked why "Joe Jones in Kansas ought to pay for your fomenting of democracy in Zaire," his answer perhaps summarized the defect of the majority view on your panel: "We have an agreement that there are such things as common purposes, and we have a system of government which is predicated on the idea that if a majority decides that certain purposes are in the common interest," then it is "fundamental to our way of government that we have the right to do that," just so long as these

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common purposes involve only "taxing [citizens], making them contribute some money." Oh. Libertarians stand corrected, then.

Interest-group majoritarianism is not in fact "fundamental" to our way of government. Although the federal government currently functions in this manner, the Constitution gives no such mandate to anyone. The strongly pro-interventionist orientation of your foreign-policy panel suggests a certain editorial sympathy for Muravchik's point of view. Has REASON finally come to terms with teleocratic government?

Tom Bethell
Hoover Institution
Stanford, CA

I WAS GREATLY disappointed to read Ted Galen Carpenter's concession that U.S. foreign policy should be conceived to support "America's vital interests." The vagueness, elasticity, and, indeed, subjectivity of that phrase was ably demonstrated by Carpenter's inability to provide a succinct definition to the symposium. The mischief implicit in such loose thinking should be obvious: interminable, open-ended interventions and involvements wherever our global "interests" du jour may beckon.

Three principles should direct our foreign policy: preservation of our national sovereignty, protection of freedom of navigation, and treaties of mutual defense.

Concerning sovereignty, the most important foreign-policy function of government is to maintain our liberties against external threats, not only defending its citizens from outright aggression, but also resisting hegemonic intimidation and refusing to accept the authority of any international organization (such as the United Nations).

Concerning freedom of navigation, our liberty to travel and trade freely—and to defend such actions—should be maintained in nonterritorial waters, skies, or in the open spaces beyond the atmosphere.

Concerning mutual defense, wherever we may further the above ends by entering into treaties that provide territorial concessions for mutual defense (as with

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For the last five decades, the world has been convinced, mostly because of unrelenting Arab propaganda, that the conflict between Israel and the "Palestinians" is the root cause of the constant turmoil in the Middle East and that Israel should make "concessions" to the Arabs. But is that the *real* reason for the turmoil and for the violence? Or is there another, much deeper, more fundamental reason behind it?

What are the facts?

■ We Americans are reluctant to criticize or even to discuss the religions of others. We consider it a very personal matter. But the profound hatred of the Moslem Arab world against the West, especially against the United States (the "Great Satan") and Israel (the "Little Satan") can only be explained by trying to comprehend the psychology and the principal religious tenets of Islam. Islam is a world-wide religion, but it originated in Arabia and it survives in Arabia in its purest and most virulent form. The policies of the Arab countries are totally dominated by Islam. Islam believes itself to be in possession of the holy truth. In the name of that truth, any act of violence is permitted, sanctioned and encouraged. It is perhaps only with that understanding that the "strategic decisions" of Saddam Hussein, even with his armed forces at the edge of destruction, can be explained.
■ For the first six centuries after the Moslems spilled forth from the Arabian peninsula, they conquered much of the then known world, with the sword in one hand and the Koran in the other. The Arab Moslems did in their ascendancy indeed give rise to a substantial civilization. But then, beginning with the expulsion from Spain, a long decline set in that lasted until the beginning of the 20th century. That decline was the more bitter, the more frustrating, because is was inflicted by the hated and despised "infidels". It was something that had to be remedied by whatever means. Injured pride had to be salved; the enemies who caused this humiliation and this painful injury had to be destroyed.
■ The 20th century brought national independence to the Arab states. Two other fundamental events occurred: 1) The discovery of the world's largest oil deposits under the Arabian peninsula, and 2) The creation, in 1948, of the state of Israel, which ever since its birth has been the concentrated focus of hatred and venom of all Moslem Arabs, a hatred that unites them, even surpasses their hatreds against each other, and that has launched them into five disastrous wars against Israel. Even the rape of Kuwait by Saddam Hussein's Iraq was explained as being a step towards the "liberation of Palestine", a claim so bizarre, so patently absurd that it can only be comprehended and given credence by a mind obsessed with the ideology of Arab Islam.
■ The obsession of the Moslem Arabs with Israel is totally irrational. To have Israel, an advanced highly civilized Western outpost, as an independent country in the middle of the Arab-Moslem world is utterly intolerable to them. That is the reason that the 21 Arab states, among them the richest countries in the world, with a combined population of more than 200 million and with a land area greater than that of the U. S., have since the beginning of the century concentrated obsessive ferocity by military, economic, ideological, political, diplomatic, and any other means to destroy the tiny Jewish community of Palestine, and its successor, the Jewish state of Israel -- only 4 million people in a country just one-half the size of San Bernardino County in California.

The recent events in Iraq have sobered many who had believed the Israel-Palestinian conflict to be the cause for the unrest in the Middle East. The fact is that war is endemic in the Arab world and that the Moslem Arabs have been waging war against each other and against their non-Arab neighbors for centuries. But, as much as the Moslem Arabs hate each other, they are all united in their greater hatred against the "infidel Jews" and their tiny country, and they have built vast war machines for the ultimate "jihad" to chase the Jews into the sea. The insincere focus on the Palestinian plight is designed to divert attention from the many domestic problems and inter-Arab conflicts, and to direct the Moslem Arab frustration against Israel, the "infidel Western outsider". The suggestion that Israel divest itself from its historic heartland, the 2,362 sq. mi. "West Bank", would be a step toward its strategic suicide. The real cause of the never-ending turmoil in the Middle East is the unremitting desire of the Arab Moslem states to destroy Israel, their inability to come to terms with its very existence. That hatred and that intolerance are fueled by Arab-Moslem fanaticism and intransigence and unwillingness to accept diversity in the region. Only when that can be overcome can peace and tranquility finally come to the Middle East.

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NORAD for strategic warning and defense), we may rightfully sanction and abide by such treaties.

But, beyond these ends, we have no constitutional or moral justification for armed intervention in the affairs of the world—or "vital interests" beneath which to cloak the covert special interests of large banks, multinational corporations, or elitist cliques that seek opportunities to employ government policy for their ultimate pecuniary advantage.

If we have a truly vital interest, it is the observance of the Constitution and the exercise of the Bill of Rights. Foreign adventure is irrelevant to this end and usually becomes a pretext for its corruption—as recent events have shown.

Michael J. Dunn
Auburn, WA

TED CARPENTER HAS a reputation of opposing the "national security state," but his remarks regarding the early years of the Cold War show him to be at best a weak and inconsistent advocate of his own ideas.

The late '40s should have been a time to dismantle the military-industrial complex that grew to such gigantic proportions during World War II. Instead, under the cover of an alleged threat from the Soviet Union, the entire national-security apparatus retained control of U.S. policy, was enormously strengthened, and was redirected to target a backward socialist economic system that would eventually collapse like a house of cards from its own internal contradictions.

Ludwig von Mises correctly pointed out shortly after the Bolshevik revolution that communism would collapse of its own weight. Frank Chodorov pointed out in the late '40s that statism in the United States was growing like a cancer because of the inordinate exaggeration of the potential of communism.

Unless Carpenter can see through the propaganda fog laid down by the "national security state" at its birth, his current claims to oppose the manifestations of that state will be rendered ineffective by his own inconsistencies.

Paul S. McKnight
Arlington, VA

THE PANEL OF foreign-policy experts did not address the fundamental strategic issue behind the gulf intervention. The Gulf War was conducted on the basis of a two-point agenda: reasserting U.S. military power in the world and reversing two decades of antiwar sentiment at home. By crushing the well-armed and combat-tested Iraqi army, the basis has been laid for further police actions against those who challenge U.S. world domination. And with Saddam Hussein as the perfectly cast villain, the propaganda value of Kuwaiti independence far exceeded its actual significance in the conflict.

The gulf victory reintroduced our role as the planetary policeman. As Ted Carpenter pointed out, this comes at a time of increasing instability and volatility in global affairs. With the proliferation of weapons of mass destruction, the dangers posed by the administration's imposition of a "new world order" compel a thoroughgoing analysis of the reasons behind such a policy.

Carpenter's definition of "vital interests" may be too narrow. If indeed the promulgation of democratic self-government, freedom, and individual liberty was the legitimate aim of this or any other intervention, we might well arrive at a national consensus that it is worth the price. Freedom may be our birthright, but for hundreds of millions around the world it is only a cherished dream. Our willingness to sacrifice for the freedom of others is one of the most noble American traits.

However, this motivation will probably not drive the nation's foreign policy. The gulf intervention, with its sordid alliance of tyrants and rogues, demonstrated that, for the Bush administration, democracy is at best an expedient in the interplay of global economic and political forces. The question then becomes whether Saddam's threat to oil-price stability constitutes a vital national interest.

The next challenge to the "new world order" will be more rather than less likely to be met with American force. While this may not be a problem in Zaire or in the hypothetical Hungary-Romania dispute, when we must "impose our will" in the Phillipines or in Mexico we will taste the fruit of the administration's interventionism.

Chris Brandon
Los Angeles, CA

TED CARPENTER essentially defined America's vital interests correctly, as developments that threaten the survival, liberties, or independence of Americans. However, I would not define those developments as interests, but as direct threats.

The idea that our nation—or any nation—can have "interests" abroad is a holdover from an older, imperialist era. The doctrine of national interests implies that American political whims take precedence over the sovereignty of another nation and over the right of self-determination of its inhabitants. Interests are defined by government for governmental ends and have no moral or constitutional basis.

If another nation were to intervene militarily in the United States to protect its so-called interests, Americans would be outraged. America has no special rights among nations, since only individuals, not political entities, have rights. Therefore, the U.S. government cannot justify intervention abroad with the same explanation.

National interests as defined by the government shift yearly; our change in policy toward Iraq from arms-length friend to armed enemy is a case in point. If our government can arrogantly exercise military action abroad in the name of those nebulous, politically expedient interests, is it unreasonable to expect that it would violate its citizens' liberties if it considered this week's "domestic interests" to be threatened?

Brian Schar
Huntington Beach, CA

THE DISCUSSION ON foreign policy demonstrated a sad truth facing libertarians: Such discussions justify government itself. The Gulf War reinforces this idea. The stated goal of the war is "restoring the legitimate government of Kuwait" and establishing a "new world order."

Libertarians challenge such notions on first principles. Any group or individual

which initiates force is committing an immoral act—the act of a thug. All governments today initiate violent force through taxes and regulations.

Restoring the government of Kuwait means that the thugs who run the United States and the coalition countries think it was wrong for Iraq's thugs to replace Kuwait's thugs; they want Kuwait's previous thugs back and to make sure Iraq's thugs don't endanger the thugs who run Saudi Arabia, Syria, etc. The "new world order" will ensure that all thugs who run existing territories will be secure from aggression by neighboring thugs.

The big-league thugs are no more legitimate than the petty thugs who run drug territories, or those who used to run territories during Prohibition. But petty thugs don't claim to represent the people—they want wealth and power, and don't try to pretend otherwise. The political thugs elevate their actions by appealing to moral visions. But they still need the threat of a gun to keep their power. The libertarian must retain these simple truths, especially now, when support for the government seems so potent.

Mark Maresca
Thousand Oaks, CA

I WOULD LIKE to congratulate REASON for providing an instructive and timely debate on foreign policy. The panel discussion zeroed in on the true battlefield: the interplay between foreign policy and America's governing principles. I think the discussion helped clarify the positions of those for and against American military intervention in the gulf, and especially identified the weak foundation of the latter's arguments.

If I had to cite a shortcoming, it would be the failure of most of the participants to delve far enough into what "foreign" policy is. It is unfortunate, for example, that if you oppose military intervention you are considered a "libertarian" with moral principles, but if you support it you are called a "conservative" or even a "neocon" and equated with amoral Kissingerism. The existence of a state is, in itself, a sort of "military intervention" in that it is created and sustained by force.

Libertarians and allied limited-staters do not make ethnicity or national sovereignty or language a first or founding principle of government—they stress the nature of the government, whether it protects individual rights or abrogates them to pursue some other goal, such as "social progress" or economic egalitarianism.

On a moral level, it makes no sense for advocates of the limited state to support the suppression of domestic crime and thuggery by government but to cry foul when that government suppresses foreign thugs. Individual rights don't stop at the border or apply only to English-speaking progeny of European imperialists. And if you are uncomfortable with using government (force) to protect liberty and individual rights, foreign or domestic, you are not a libertarian—you are a pacifist. You can't really be both.

Isolationists will rush to fill this breach in their Fortress America by saying that countries like Kuwait don't have much liberty, anyway, so we can't restore it by chasing Iraq out. True enough, but the related argument—that there is no moral difference between the governments of Kuwait and Iraq—is absurd. No one can wave a magic wand and create a liberal, constitutional democracy, but there are steps (the establishment of some semblance of international order, the protection of trade routes, the spread of American ideas through trade and culture) that can advance the process. And some Third World tyrannies are worse than others. Pre-war Kuwaitis enjoyed a fair amount of personal freedom. Iraqis (and conquered Kuwaitis) did not. For libertarians, who are supposed to care more about the scope of government than its form (democracy or monarchy or whatever), the distinction between the emirate of Kuwait and the dictatorship of Iraq should have been obvious.

This is not to say, as Charles Krauthammer and Benjamin Frankel correctly pointed out in the discussion, that America should start intervening in every conflict to advance liberty. It's not possible. We must have priorities that take the strategic and economic importance of foreign trouble spots into account. Ethnicity, language, history, and other factors will define the contours of possible action, though they are not our first principles as a government. But if a massive and successful military intervention, paid for in large part by allies and liberated countries, were possible, it would certainly be moral—at least to the same extent that it is moral to tax citizens of Maine to defend the freedom of Alaskans—if it left relatively liberal, constitutional democracies respecting property rights and free markets in its wake. As it is, we must rely heavily on moral suasion, example, and trade to accomplish the objective. But military force must also play a role. The liberating powers of overseas trade are irrelevant if pirates rule the oceans.

John M. Hood
John Locke Foundation
Raleigh, NC

REASON IS TO BE commended for holding a symposium on the state of the world after "the chill is gone," for the common wisdom is that the Cold War has indeed thawed following the Eastern European revolution of 1989-90. But has it? Whether or not the Soviet Union can be called a "superpower"—and in many ways this term is no longer appropriate—surely the danger from Moscow, both to the people of the Soviet Union and elsewhere, is hardly gone.

Accordingly, U.S. policy must now be approached in a new, more subtle framework. Will the people of the United States become inebriated by the collapse of communism into a false sense of (national) security? Conversely, will those who believe—and not without reason—that capitalism has somehow triumphed in Eastern Europe be lulled into a euphoria of apparent ideological victory that obscures the dangers of socialism at home? In both cases, wisdom would dictate that vigilance is very much in order, in both international and intranational matters. No, the chill isn't gone; it's only more insidious.

This does not translate necessarily into greater government spending—obviously not on the domestic front. As for foreign policy, I applaud Ted Carpenter's point—which echoes some of the ideas

expressed by Joshua Muravchik, Charles Krauthammer, and other participants—that "there are various forms of engagement—diplomatic, cultural, economic, political, as well as military." Let's engage on all these fronts; not with more dollars but with much greater sophistication and ingenuity, coupled with a strong determination to persuade and an internal conviction that our system works best because it allows the greatest scope for individual freedom.

It seems wise to avoid the concept of the United States as "world policeman" altogether—no one is suggesting so extreme a role. But thinking of the United States as the leader of the West, as the beacon of liberty and independence—that, yes. And with a vengeance.

Juliana Geran Pilon
Vice President
National Forum Foundation
Washington, DC

War Correspondence II

As a longtime admirer of Virginia Postrel's writing, I am extremely disappointed with the conclusion of her editorial "Historical Certainties" (Mar.). It seems that she deliberately abandons reason for a "visceral sense" in deciding to favor war. And, astounding as it seems, she *nowhere* mentions the option of staying with economic sanctions through a continued embargo enforced by a land and sea blockade; these words do not even appear in the editorial.

She wrote the editorial on the eve of war. Surely the war, three weeks old at this writing, has gone at least as well as she could have hoped then: "Our" losses have been small and "their" losses have been great. Yet I experience a sense of depression, tragedy, and foreboding as a direct result of this "success." With great ease and minimal risk, we are killing and crippling God knows how many people, many either civilians or young conscripts thrust out onto the front lines. How can the fruit of these actions be anything but bitter?

I am appreciative of the fact that "not to challenge expansionist tyrants is to encourage them to expand farther." But I see this war at this time as completely unnecessary. I also believe that it was started by President Bush for completely disingenuous reasons. And I greatly fear that it will have long-lasting and disastrous consequences, for ourselves and for the Middle East.

I fervently hope that I am wrong.

John deLaubenfels
Duluth, GA

I'M GLAD THAT Virginia Postrel at least feels uncomfortable about Bush's Persian Gulf War. However, I'm amazed that she can't reach a devout stand in favor of U.S. neutrality and self-defense from her "liberal" (why the hell doesn't she call them libertarian) principles.

Is Ms. Postrel overlooking the billions of tax and debt dollars that a war such as this one costs? Is she forgetting the tremendous cost to the taxpayers and the U.S. economy of retaining huge standing armed forces, which are good for almost nothing but instant participation in such foreign wars? Doesn't she realize that by fighting such wars, instead of protecting the lives and property of Americans throughout the world, the U.S. government puts them at grave risk of terrorism?

Ms. Postrel mentions important freedoms of Americans to invest, trade, and travel overseas. But who violated such freedoms in this conflict? It was Bush who embargoed all trade with Iraq and Kuwait. Saddam Hussein sought desperately to keep that trade. Hussein had posed absolutely no threat to American trade, travel, or investment in the region (and no remotely conceivable threat to U.S. security), at least until Bush appointed himself the Persian Gulf Cop. The bottom line is that the U.S. government intervention violated the very freedoms that Ms. Postrel tries to use to justify it.

Isn't it obvious that war is, and has always been, the perfect opportunity to extend control over the citizenry? In the midst of patriotic war fervor and security concerns, the government extends censorship, spending, borrowing, taxes, industrial directives, civilian spying, and even wage and price controls and the draft. Fortunately, this war should prove too short for a lot of this—if our luck holds. But what wars can possibly be worth the risk of such damaging intrusions, except wars of self-defense?

REASON's publisher, Robert Poole, outlined the correct approach to interventionism when he suggested that the U.S. Neutrality Acts be modified or repealed. This would allow private U.S. citizens who truly desired to fight for Truth, Justice, and the American Way on a global scale to do so, with no U.S. government involvement. Of course, they would have to rely strictly on voluntary contributions from other Americans.

If instead; we let the state play Rambo, the remaining liberties of all Americans will eventually be lost for sure.

Ralph Mullinger
Findlay, OH

I AM CURRENTLY serving with the U.S. Army in operation Desert Storm and have also been a subscriber to REASON for over two years.

I expected REASON to take a strong editorial stand against massive U.S. military action in the Persian Gulf because many libertarians were inherently opposed to the U.S. invasion of Panama. But in her March editorial, Virginia I. Postrel mildly concurred with President Bush's actions up to Jan. 15, although with "serious doubts." I too have doubts. As a soldier I have more to lose than most. America should pick up the sword only reluctantly, but once we grasp it we should use it swiftly and surely.

Ms. Postrel's editorial stated that Saudi Arabia was not deserving of the defense being provided by American troops. Certainly this is not a country Americans easily fall in love with. We look at it as a wasteland both geographically and politically, and we are chafed by their suffocating social customs (especially regarding female service members).

When I first entered the city of Riyadh I expected to find a backward community riding camels and shopping in bazaars; instead I saw Chevys and American-style shopping malls. The Saudi people have fallen in love with consumerism, and a good consumer demands that society

takes account of his or her own individual tastes. I sense that the Saudis are more concerned with their day-to-day comforts than the liberation of Palestine. This may bode well for their country and the entire Middle East.

To be sure, the appearance of modernity here is deceptive. Riyadh is much safer to stroll around in at night than Washington, D.C., largely because of the heavy presence of the "morals" police. Most Americans would not want to trade their personal liberty for urban security, but instead of dismissing Saudi Arabia as hopelessly mired in the Middle Ages, Americans should know that the Saudis greatly admire the prosperity of the Western nations. They are thankful to American troops for saving them from Iraqi tyranny.

There is repression here, but it seems to be based on tribalism more than some cohesive totalitarian philosophy. Although this does not make this repression any less repugnant to Americans, much the same type of repression exists in Japan, and we consider that nation a member of the fraternity of liberal powers.

Religion is still the dominant force in Arab politics, but I view the wave of Islamic fundamentalism as a historical phase that will wane with the rise of political stability and economic prosperity. As the last remaining superpower and a regional force in the Middle East, America is in a position to plant a notion of individual rights that may sprout in the decades ahead.

It is wise to remember great civilizations once existed here that viewed Europeans as barbarians and religious fanatics. Let's not abandon the Arabs to immoderate influences.

Michael D. Samstag
Staff Sergeant, U.S. Army
Riyadh, Saudi Arabia

Correction: Due to the author's error, an article about the cryonics movement ("Cold Comfort," April) reported that Dora Kent's head is located at the Alcor Life Extension Foundation in Riverside, California. In fact, Alcor will neither confirm nor deny the whereabouts of Mrs. Kent's head.

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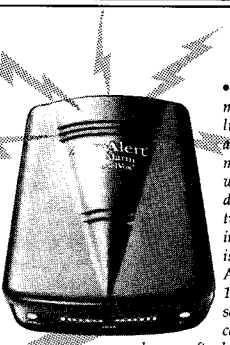

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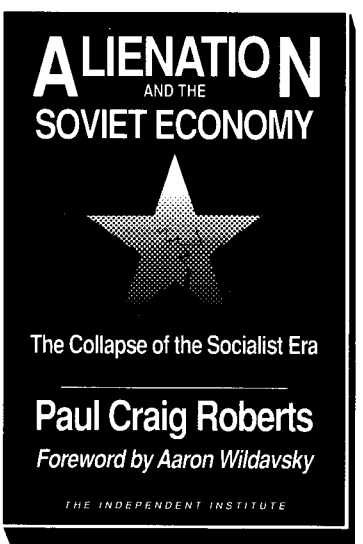

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The U.S. Army Corps of Engineers refuses to let a rock quarry owner fill a wetland, putting the quarry out of business. Or a government regulator cancels a mining lease after the mining company has spent $5 million exploring the property. A bill introduced in the U.S. Senate by Steve Symms (R-Idaho) and David Boren (D-Okla.) attempts to prevent such unconstitutional takings of property.

The Fifth Amendment prohibits the government from "taking" private property for public purposes without "just compensation." But under current law, if a regulation keeps someone from building on his land, all the property owner can do is sue the government and hope a judge will award damages.

Most private citizens don't have the time or money to challenge government regulations. So the Symms-Boren bill—the Private Property Act of 1991, or S. 50—attempts to stop the regulations that cause takings before they're enacted.

If the bill passes, any new federal regulation or regulatory action by a federal agency must be reviewed by the attorney general to see if the act would cause a taking. However, cautions Jerry Taylor, a legislative director at the American Legislative Exchange Council, S. 50 merely requires the government to report takings; it doesn't require compensation for them.

ALEC has drafted its own takings bill to rein in state and local governments. It defines a taking as any regulatory action that reduces property value by at least 50 percent. And it makes the government pay property owners for their losses.

Suppose a farmer wants to convert a parcel of pasture worth $20,000 into housing tracts. Developed, the land would be worth $200,000. But a zoning law prevents the farmer from carving up

Sen. Steve Symms: Can his bill protect property owners?

the land. Under the ALEC bill, the farmer could either force the government to buy the land for $200,000, or he could make the government buy his right to develop the land. (If the farmer and the government disagreed about the value of the development rights, a jury would settle the dispute.) The ALEC bill also requires the government to pay the landowner's legal costs when it loses a takings case.

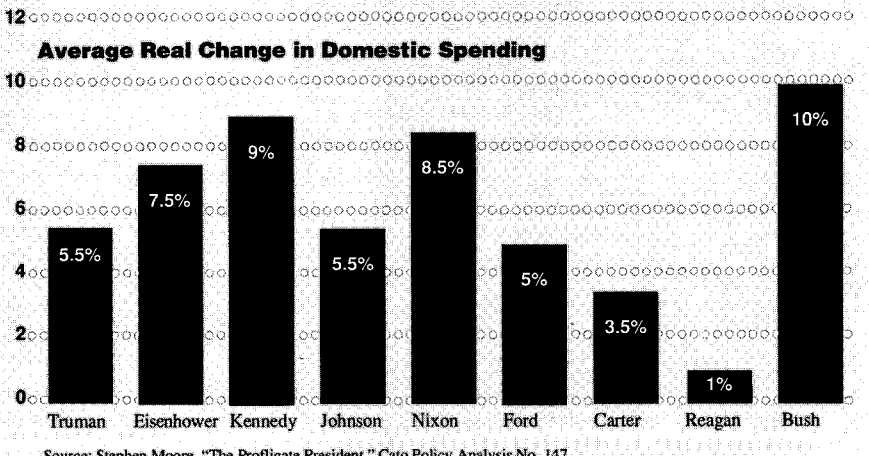
At least 11 state legislatures are considering versions of the ALEC bill. Trent Clark, a Symms legislative assistant, says variations of the Symms-Boren bill are pending in six other states.

Taylor applauds Symms and Boren for trying to tackle the surge of takings; still, he calls S. 50 "a timid first step." He believes the ALEC bill would be a more effective check on government power: Nearly 70 percent of all takings result from state and local rules such as zoning laws or slow-growth ordinances. And unlike S. 50, the ALEC proposal requires payment to landowners when takings occur. "With our bill," Taylor says, "you don't have to trust Congress or [Environmental Protection Agency chief William] Reilly to protect your property."

—Rick Henderson

Wasteful Ways

Domestic spending has grown faster under George Bush than under any other president since Franklin Roosevelt. Stephen Moore, director of fiscal policy studies at the Cato Institute, found that Bush has allowed spending to grow by an average of 10 percent a year after adjusting for inflation. That's more than 10 times the pace under Ronald Reagan and almost three times that under Jimmy Carter.



Source: Stephen Moore, "The Profligate President," Cato Policy Analysis No. 147

1991 Tax Reform Makes Forming Your Own Corporation Once Again The Ultimate Tax Shelter

"You have the right to plan your business and personal finances in such a way that you pay the least tax due under the law."

From IRS Publication No. 1, Volume 1

Here's how to best cope with the chaos felt by many executives and small business owners over the latest tax reform effective January 1, 1991.

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"S" Corporation Strategy

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Tax-Favored Dividends. Your corporation can own shares in other corporations and receive dividends that are 80% tax-free.

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My book also reviews the pros and cons of different types of corporations, including Sub-chapter "S", Non-Profit and Professional...How to operate a corporation anonymously...How to turn an existing business into a corporation.

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BALANCE SHEET

Assets

Second Fiddle? Dan Quayle, head of the president's Competitiveness Council, blocks expensive parts of the Clean Air Act. One overturned recycling rule had a $100-million price tag yet would have barely reduced air pollution. A Quayle spokesman tells the *Los Angeles Times* the vice president wants to make sure that "the deregulation gains of the Reagan years are not canceled out by creeping reregulation."

Champaign Charlie. Remember when Congress allocated $500,000 to restore Lawrence Welk's birthplace? Well, the polka leader extraordinaire wants the museum to be built with private money. The Senate has rescinded the birthplace's grant. But Congress may still spend that money on a German-Russian heritage museum. Honest.

Bank Shot. Congress may pass real banking reform after all. *Los Angeles Times* trendspotter James Flanigan suggests that legislators, fearing another S&L-style bailout, will force banks to build equity capital and shore up deposit insurance. Where will banks get the money? Flanigan predicts the profits will come from interstate banking, insurance sales, and all the other reforms Congress will enact.

Cheerio! Tired of paying $2.00 for a blueberry muffin at an airport? Hate those boring layovers? The new Midfield terminal at the Greater Pittsburgh Airport will feature a full-scale shopping mall. BAA PLC, the private firm that owns Great Britain's airports, will run the mall. Harrod's of London will have a store there—and BAA promises that its mall prices will be competitive with those of local shopping centers.

Liabilities

Wash Out. Nothing upsets California's drought czars more than 10 inches of rain. One politico told the *New York Times*: "From the point of view of water policy and planning, [rain's] a disaster." Perhaps so—the downpours may end the short-term crisis and stall reforms. Farmers will keep their subsidized water, market pricing will get pushed aside, and the state will repeat the process next year.

Skewered. The latest threat to law and order in Florida: fantasy-league baseball. Attorney General Bob Butterworth says rotisserie leaguers gamble; he fears that organized crime will take over the fantasy-league circuit. Since the *National* and *USA Today* publish weekly fantasy-league columns, look for RICO indictments against the papers.

Gag Order. A California government agency vindicates smog-busting biochemist Donald Stedman—almost. (See "Going Mobile," Aug./Sept.) The Bureau of Automotive Repair—which runs the smog-check program—reports that 10 percent of the state's cars cause 60 percent of all auto pollution. But state officials won't use Stedman's mobile-testing devices to locate and fix gross polluters. Instead, they're looking at buyback programs and alternative-fuel schemes that will cost bunches, keep bureaucrats well paid, and *not* clear the air.

Bad Trip. Head shops may enter the history books. A new federal law makes selling drug paraphernalia a felony, with $100,000 fines and three-year prison terms. How will head-shop owners avoid prosecution? They'll caution customers to not mention drugs while in the stores. Illegal: "I want to smoke some pot. Can I buy a pipe?" Legal: "I want to smoke some tobacco. Can I buy a pipe?"

—Rick Henderson

Commercial Break

Common Cause and Ralph Nader may not appreciate the news. But an exhaustive study of candidate spending during the 1990 campaign shows that candidates spent much less on advertising than good-government types would have you believe.

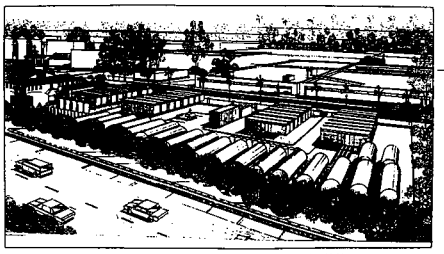
The study, conducted by the *Los Angeles Times*, found that the average U.S. Senate candidate spent 35 percent of his funds on advertising; his House counterpart spent 25 percent. Even in those Senate races in which the winner drew 55 percent of the vote or less, candidates spent, on average, less than 36 percent on ads. Only two Senate candidates—successful Republican incumbent Mitch McConnell of Kentucky and unsuccessful Democratic challenger Harvey Gantt of North Carolina—spent as much as 60 percent of their money on advertising.

How did candidates empty their war chests? They spent a lot of money raising money (24 percent of total Senate campaign costs, 16 percent in the House) and paying campaign staffers (25 percent Senate, 27 percent House).

Some reformers hope to cut the cost of campaigns by forcing broadcasters to give candidates free TV ads. Even if candidates get free time, critics note, they will likely spend the TV money on something else. As Michael J. Conly of Harts-Hanks Communications recently told a Senate Rules Committee panel, "Candidates will continue to raise as much money as they can and spend as much as they need to win."

—Rick Henderson

Water Everywhere



A desalination plant in Santa Barbara, shown in an artist's rendering, will make drinking water for the area.

State and local governments have responded to California's five-year-old drought by attempting to reduce and redistribute water consumption. Meanwhile, private companies are helping Californians tap the state's most conspicuous source of water: the Pacific Ocean.

In March a developer on Santa Catalina island near Los Angeles began testing a recently completed desalination plant that will produce about 168 acre-feet of fresh water a year (an acre-foot is about 326,000 gallons, enough to supply two average households for a year). Whitehawk Catalina Inc. of Pasadena built the reverse-osmosis plant, which will be managed by Southern California Edison, mainly to allow completion of its 330-unit Hamilton Cove condominium project. About half the water produced by the plant will be sold to other residents of the island. (Another developer, the Santa Catalina Island Co., is also considering a joint desalination project with Edison.)

"This project wouldn't have been built if it was left up to the governmental agency," David Boyle, co-engineer for the plant, told the *Los Angeles Business Journal*. "This happened when a private entrepreneur decided to solve the problem." Santa Catalina's reservoir has dropped from more than 1,000 acre-feet to about 300. Residents are subject to voluntary water-conservation rules that will become mandatory if the reservoir continues to shrink.

In Santa Barbara, another town that has been especially hard hit by the drought, the Massachusetts firm Ionics Inc. plans to build a desalination plant that would supply 2,500 to 10,000 acre-feet of water a year under a contract with the city. Unlike the Santa Catalina plant, the Santa Barbara project is seen as a stopgap measure, with the initial contract set to expire after five years. The company expects to start construction in late June and begin operating the plant by February.

State water authorities have generally dismissed desalination as too expensive. Ionics estimates that water from its plant will cost about 60 cents per 100 gallons, compared to 7 cents for water from Southern California's Metropolitan Water District. But the company says the cost could be cut in half after five years. For Santa Barbara, where growth-fearing city officials chose not to be hooked into the state's major water-supply systems, desalination makes sense, especially during a drought.

Boyle argues that desalination is a viable option for many other coastal communities as well. He says the alternative has fallen into the cracks between two sets of government agencies: local distributors (usually municipalities), which tend not to worry about supply, and regional wholesalers, which are wary of major changes.

"They talk about these studies and grandiose plans," Boyle says. "They study and study and study, but nothing ever happens." He suggests that the key is to follow the Catalina model: allow the people who need water to find the most cost-effective way to get it.

—Jacob Sullum

Keep Cool

Two recent studies indicate that the problems of carbon dioxide-induced global warming may not be as severe as some scientists originally believed.

In the first, Michael E. Schlesinger, an environmental scientist at the University of Illinois, assumed that the greenhouse effect is responsible for the alleged increase in global temperature. But Schlesinger asked whether the draconian cuts in carbon dioxide emissions that environmentalists say are necessary to combat global warming need to be made immediately. Schlesinger found that delaying proposed cuts in carbon dioxide for 10 years would lead to only slightly higher temperatures in the future. Published in the journal *Nature*, his study found that, with the delay, temperatures in the year 2100 would be only 5 percent higher than they would be if cuts in carbon dioxide were made immediately.

Schlesinger suggests that in the next decade scientists should engage in more research to determine just how severe global warming will be and precisely what steps are needed to deal with it. "If you want to protect your family, you are going to buy life insurance, but you are not going to buy 10 times more than is needed," he told the *Los Angeles Times*.

While Schlesinger warns against a disproportionate response, a study by NASA's Marshall Space Flight Institute calls into question the "fact" of global warming. Standard temperature measurements show a general warming trend since 1850. Six of the warmest years on record have occurred in the last decade, and 1990 was supposedly the warmest ever recorded.

But there are problems with standard measurements. The number of measuring sites is relatively small, making it difficult to get an accurate picture of the entire globe. Since most of the sites are on land, temperatures over most of the ocean are unmeasured. And since most of the sites are located in cities, the measurements are increasingly polluted by the urban heat-island effect.

"The best place to measure climate is in the deep layers of the troposphere, where the reading data can be robustly correlated and avoid all the land record biases," says Marshall's John Christy.

Using satellites, Christy has been doing just that. Although the records only go back to 1979, they present a very different picture. There was no statistically significant warming over the last 12 years. And 1990 was only the fourth warmest on record, just 0.13 degree higher than the 1979-1990 mean.

Christy told syndicated columnist Warren Brookes, "If it [the greenhouse effect] is here and happening, it is very small indeed."

—Charles Oliver

BRICKBATS

In Frankfurt, Germany, a town clerk has forbidden a couple from naming their newborn son Schroeder. The clerk was enforcing a law forbidding parents from giving their children first names that are odd or that are not sex specific. Other names that have been rejected are Woodstock, Pushkin, Hemingway, Moewe (seagull), and Pumuckl (a popular cartoon character). And stories of parents who have been forbidden from naming their daughter Stechpalme (holly) pop up frequently in the German press. It's a good thing Frank Zappa doesn't live there.

Michael Kilby and two friends were arrested by plainclothes Los Angeles policemen as they left the Royal Oak Bar in North Hollywood. They were charged with breaking a city ordinance forbidding gambling. The men had played a few rounds of dollar-a-game darts in the bar. The charges were later dropped, but Kilby and company might have received up to six months in jail and a $1,000 fine. Hey, I know that sounds stiff, but it's a lot better than what the LAPD gives you for speeding.

Los Angeles isn't the only city cracking down on small-time gamblers. In New York City Arkady Flom has filed a $1-million civil suit against the city for false arrest. Flom, a 65-year-old Soviet emigré, and six other people were arrested for wagering on the chess games that they played in Bryant Park. The charges against Flom were later dropped, but while he was in police custody, he was deprived of his heart medication and had a seizure.

In Austin, Texas, James Buschman is trying to collect $2,790 from the city for nude massages that he says were performed on members of the vice squad by women in his employ. Buschman claims that the massages were performed during an undercover investigation of his three massage parlors. The investigation led to 27 charges of prostitution, but the charges were dropped or the defendants acquitted in all but two of the cases. So Buschman feels that he is entitled to money for the services rendered.

AKRON BEACON JOURNAL
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WHY DID THE NFL MOVE THE SUPERBOWL FROM PHOENIX TO LA?
BECAUSE THEY HONOR MARTIN LUTHER KING DAY HERE.
LA COPS
LA COPS
SUPERBOWL

Time reports that a University of California, Santa Cruz, administrator wants to ban the phrases "a chink in his armor" and "a nip in the air" because they contain words that in other contexts have been used to express prejudice. This guy will probably go into shock if anyone tells him the story of the little Dutch boy who stuck his finger in the dike.

Those of you who read Rick Henderson's story on wetlands policy in the April issue ("The Swamp Thing") know that the government has defined as wetlands cornfields, forests, and other tracts of land that aren't exactly swampy. But efforts to come up with more-realistic standards for defining wetlands are meeting stiff resistance from Washington bureaucrats. William Sipple, chief wetlands ecologist at the Environmental Protection Agency, resigned from the federal panel reviewing wetlands guidelines because he feared it would limit government protection to "truly aquatic sites."

For a reception for visiting Filipinos, workers at the San Jose, California, public library raised a banner of greeting. The sign was supposed to say, "You are welcome" in the visitors' native language. Literally translated, it read, "You are circumcised."

The U.S. ambassador to Kenya is in trouble with that country's government. Smith Hempstone was verbally attacked by the government for giving "sinister" books to a poor country school. The books? *The Souls of Black Folk* by W.E.B. DuBois, *Narration of the Life of Frederick Douglass*, and *Up from Slavery* by Booker T. Washington. What's the world coming to? You can't read dead white males at Stanford or dead black males in Kenya.

—Charles Oliver

A Feast of Freedom

"Liberty is a Glorious Feast." —Robert Burns

Every issue of **Liberty** offers a feast of individualist thinking designed to delight the most refined palate.

Hors d'oeuvres

To whet your appetite, **Reflections** offers the provocative opinions of **Liberty**'s editors. A few selections from the menu for May:

R. W. Bradford on Llewellyn Rockwell's defense of police beating of suspects;

Chester Alan Arthur on the continuing romance between conservatives and libertarians;

Robert Higgs on U.S. taxpayer support for the KGB;

Gary Alexander on Hollywood's bizarre ideas about commerce.

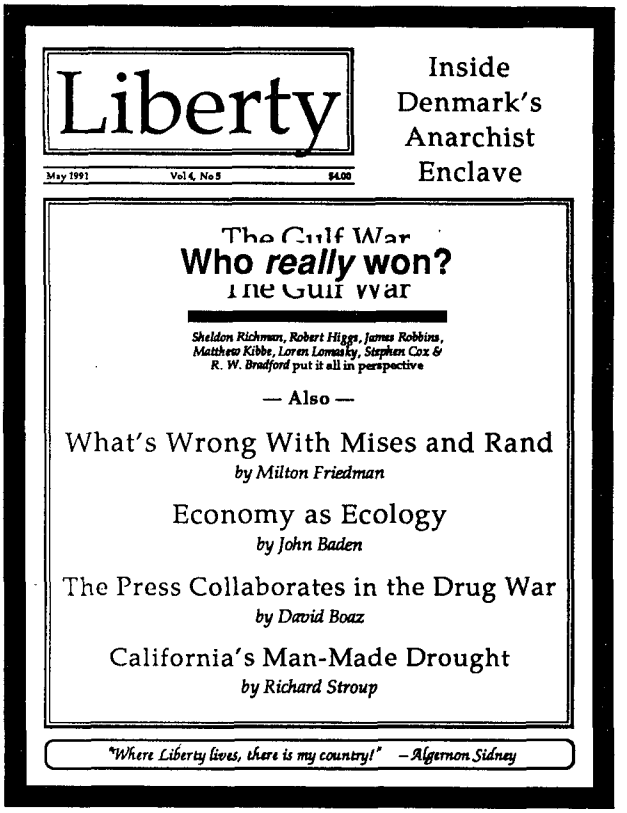
Entrées

The main course is a variety of controversial and thoughtful essays. A few entrées from our current offering:

Milton Friedman puzzles over the very unlibertarian intolerance of two libertarian heroes: Ludwig von Mises and Ayn Rand;

James Robbins explains why the Storting should recall Gorby's Peace Prize;

Richard Stroup on California's man-made "drought" and how to solve it;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Economy as Ecology
by John Baden
The Press Collaborates in the Drug War
by David Boaz
California's Man-Made Drought
by Richard Stroup
"Where Liberty lives, there is my country!" —Algernon Sidney

David Boaz reveals the journalists' complicity in America's longest-running war;

Richard Miniter contemplates the media's bias against free-markets in the context of the free market for journalism;

Ron Lipp travels through the corridors of eastern Europe to find the mysterious Dr Cepl, and discovers a reality of Kafkaesque proportions.

Potages

To accompany its main features, **Liberty** presents a variety of penetrating reviews. A few examples from our current issue:

John Baden bestows the honor of "political economy book for the 90s" on a revolutionary work on the relationship between economics and environmental science.

Leland Yeager restates the truth about capitalism and one of capitalism's most effective advocates;

Richard Kostelanetz rediscovers an intellectual father he never knew he had;

Peter Reidy notes the ominous parallels between bad computer science and bad economics.

Desserts

To top off your feast and satisfy your intellectual sweet-tooth, **Liberty** offers:

Cartoons by *Baloo* and *Mark Frauenfelder*;

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FLICK AND CHOOSE

The first remote-control war transformed viewers into editors.

BY JOHN HOOD

At a little after 6:30 p.m. EST on January 16, ABC News correspondent Gary Shepard in Baghdad gave American audiences the first indication that the war against Iraq had begun. In the middle of an interview with "World News Tonight" anchor Peter Jennings, Shepard interrupted Jennings to report that something was happening. Lights were flashing above the city, tracer rounds from Iraqi anti-aircraft artillery which Shepard described as resembling "fireworks on the Fourth of July." Distant explosions punctuated his narration.

Soon afterward, Cable News Network broke into its regular programming with the news that the air war had begun. Meanwhile, "CBS Evening News" was interviewing a talking head on a different subject entirely. "NBC Nightly News" had taken a break for a soap commercial. First NBC, then CBS, haltingly suggested that the war might have begun. They stayed behind ABC and CNN in breaking stories for the rest of the evening.

In addition to launching what turned out to be the first war in support of President George Bush's "new world order," the January 16 allied air strikes over Baghdad also launched the first salvo of a different struggle. If World War II was the first "radio war" and Vietnam was the first "television war," then the Persian Gulf conflict was the first "remote-control war." Americans had unprecedented choice among and control over television coverage of the war, becoming for the first time not merely viewers but, in a sense, editors.

According to surveys by Nielsen Media Research, only 29 percent of American households with televisions owned remote controls in 1985. By 1990, almost 80 percent did. And by 1990, 56 percent of television-viewing households had cable, giving them access to CNN, C-Span, local network affiliates with their own correspondents in the Gulf, independent superstations, and radio simulcast channels. From 1985 to 1989, the percentage of viewing households with access to 20 or more channels almost doubled—from 35 percent to 60 percent.

And there is evidence that with these new technologies, Americans were already changing their viewing habits before the war broke out. A Roper poll found that in 1979 more than twice as many people turned on their televisions to watch particular programs as turned on their sets to search for programming. By 1989, the ratio between TV "particulars" and TV "wanderers" had dropped to about 50-50, suggesting an interest in shopping around on the part of many viewers, and the willingness to do so.

These changes set up a completely new model for coverage of the Persian Gulf War. Instead of tuning into one trusted network for war coverage, Americans could switch from channel to channel at the flick of a finger. If one network reported a fact or rumor, viewers could quickly check other news organizations for confirmation or repudiation.

During one of the early Scud attacks on Israel, for example, Dan Rather of CBS News reported that "the Israelis are, as we speak, in the process of retaliating against the Iraqis for the six, at least six, Scuds that hit Israel." Neither the number of Scud attacks nor the retaliation report was true, and CBS recanted the items later that evening. The other networks had treated those reports more skeptically, though ABC had reported that the Scuds had carried chemical weapons—which also turned out to be false.

Viewers could also respond immediately to the changing pace of a particular channel's news. If NBC News began an in-depth interview with a military expert, public official, or foreign diplomat, viewers could check other channels for breaking news while monitoring the course of NBC's interview in case a topic of special interest arose. Going into the war coverage, the networks might have thought that viewers had developed specific loyalties to anchors or newscasts, but viewers indicated no such loyalties after the war began. Asked who was doing the best job of reporting war news, one poll's respondents gave ABC's Peter Jennings a plurality—of 16 percent.

ABC was the first network to report the start of the war. During an interview with anchor Peter Jennings, correspondent Gary Shepard described lights flashing above Baghdad.

GARY SHEPARD

COURTESY OF CAPITOL CITIES/ABC, INC.

While there are no surveys available at this writing about how many Americans chose to exercise their new control over news viewing, the prospect of facing millions of viewers with short attention spans, few loyalties to networks or personalities, and hearty appetites for breaking news—as well as the technology to act on these inclinations—gave news organizations a different set of incentives and pressures. The live nature of Gulf War coverage ceded to viewers the role performed until recently by news producers, researchers, and executives.

One result was that viewers became less dependent upon news organizations for setting the agenda for coverage. Live daily briefings from the Pentagon and U.S. command headquarters in Saudi Arabia gave viewers an unedited, regular look at the facts and issues of the war, as did coverage of other events by the commentator-less C-Span. Viewers could judge subsequent news reports on a briefing, for example, by their own impressions of the event.

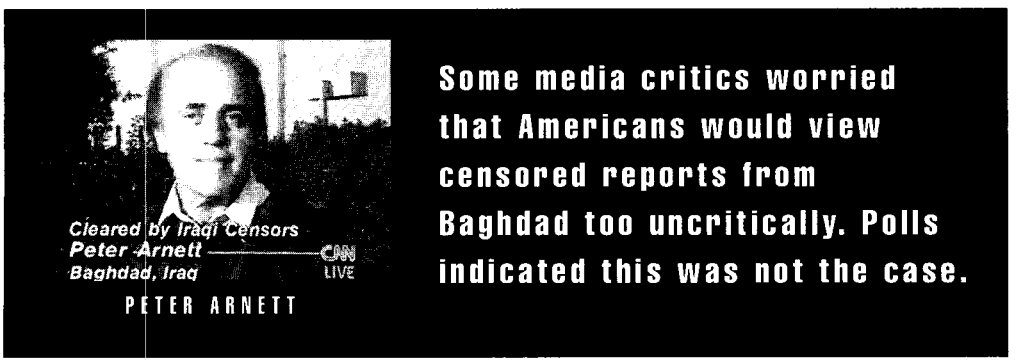
They could also judge the performance of journalists, evaluating both their questions to military briefers and their demeanor at briefings. In a broader sense, viewers watching live

coverage of briefings or Scud attacks or other events got a glimpse behind the screen of slickly produced news stories at the journalists at work. In many cases, it was as if viewers were getting their news not from reading or watching finished stories, but from perusing reporters' notebooks.

While this new vantage point did not result in a widespread negative opinion of the press, there is evidence that the public came to trust military briefers as much as, if not more than, the television reporters or anchors commenting after each briefing. A Times-Mirror poll released a couple of weeks after the start of the air war found that while 72 percent of Americans believed that news organizations were attempting to deliver an objective picture of the conflict, 78 percent believed that the military was also presenting an honest account. In addition, 57 percent believed that the military should increase its control over reporting on the war—this despite media complaints that the military's rules were already too restrictive of press freedom.

Another result had to do with the much-vaunted competition between broadcast and print media. In the Times-Mirror poll, 81 percent of Americans said they kept TV or radio tuned into gulf coverage. Earlier polls have found surprisingly large pluralities of respondents saying that television was not only the most accessible source of news but also the most believable.

Print media, however, didn't become irrelevant. In the same Times-Mirror poll, 51 percent of Americans said they were reading newspapers more closely than before the outbreak of war. Newspaper sales skyrocketed after both the initial Iraqi invasion of Kuwait and the outbreak of war on January 16. But print media were performing a different role than in previous conflicts. About three-fourths of Times-Mirror respondents said that newspaper stories were covering pretty much the same ground as TV stories, suggesting that people were reading papers and magazines for reasons other than following the breaking news.



Some media critics worried that Americans would view censored reports from Baghdad too uncritically. Polls indicated this was not the case.

Those reasons might best be understood by considering a parallel with sports coverage. Virtually no one follows the National Football League season solely by reading accounts of games in the sports pages of Monday-morning newspapers. Instead, sports pages provide box scores to summarize games that many readers have watched themselves. They provide league standings and other statistics to give readers perspective on the week's activities and to serve as a "viewer's guide" for future game broadcasts. Sports pages also provide interviews with players, opinion columns by sports watchers, and detailed information about where and when upcoming events will be broadcast.

Apparently newspapers and newsmagazines performed a similar role for viewers of Persian Gulf coverage. News stories provided a handy summary of events witnessed by viewers the night before. Many newspapers printed "clip and save" maps of the Middle East, the war zone, and potential war scenarios. *Newsweek* published pull-out maps and posters of aircraft and other military equipment used by both sides in the conflict. And a host of television critics and columnists provided a running commentary on the quality of news coverage, pointing out successes and failures of news organizations the night before and critiquing the performances of individual reporters and talking heads, from Peter Jennings to Peter Arnett to NBC's Arthur Kent in Saudi Arabia (dubbed the "Scud Stud" by print commentators). The parallel with sports pages—or with *TV Guide,* in the case of general TV programming—couldn't be more obvious.

A potential drawback to the "viewer as editor" development was that viewers may not be sufficiently informed or motivated to perform their new editorial function. Did they understand the limitations of the coverage they were watching? While the war was still going on, Duke University political scientist David Paletz pointed out that although tens of thousands of bombing runs had been made over Iraq, "there is extensive coverage of a few Scud missile attacks. I don't mean to underestimate the importance of what it's like to be bombarded, but compared to what's been dropped on Iraq, the drops on Israel have been minimal."

The coverage was indeed skewed by the location of reporters and the impact of military restrictions. But the bombs that led a terrified Bernard Shaw to take cover under his bed—and to report the act live on CNN—were, of course, falling from allied planes. And reporters on several networks broadcast interviews with refugees fleeing into Jordan, whose stories viewers undoubtedly found more credible than anything coming out of official Baghdad. Plus, the live briefings concentrated primarily on allied bombing runs, not Iraqi Scud attacks. Indeed, the military briefers tended to downplay the importance of the Scud launches, pointing up the journalists' tendency to exaggerate the significance of the drama they could capture on tape.

It has become a cliché that modern news consumers, lulled by television into a passive complacency, do not have the ability to evaluate or challenge what they are spoon-fed by blow-dried anchors. And broadcast news does indeed differ qualitatively from print, since readers can select which stories or parts of stories to read while viewers must watch a set series

COURTESY OF CABLE NEWS NETWORK INC.

of stories. Reading takes more effort and more independent judgment than watching TV news.

Or at least it used to. Armed with remote controls and numerous cable channels, viewers can now act as readers and chart their own course through the daily news. Has this resulted in increased viewer sophistication and self-education? In the Times-Mirror poll, 50 percent of respondents said they could not stop watching news about the war. They had become news addicts.

Furthermore, while some media critics worried that censored reports from Baghdad would be viewed too uncritically by Americans, poll respondents who had viewed the reports—such as Peter Arnett's story about the bombing of a supposed baby milk factory—remained overwhelmingly favorable about the war effort. And the respondents split almost evenly on the question of whether Arnett's and other Iraqi-censored reports should be broadcast, with 43 percent favoring such broadcasts and 45 percent opposing them (a later *Newsweek* poll found a large majority—69 percent—favoring the broadcast of censored reports from Baghdad). In short, Americans seem perfectly capable of understanding the circumstances under which news reports were produced and of judging their veracity.

Reporters' locations during the war did indeed skew coverage. But viewers saw a wider range of perspectives than many pundits recognized.

PETER JENNINGS

A more significant implication of the new media technologies was that the same live coverage that made viewers become editors also made the time lag and security-conscious editing of previous war coverage obsolete. Using portable satellite uplinks, journalists reporting live from the gulf could compromise operational security or give the Iraqis information they might otherwise not have had (policing coverage on these grounds is one role viewers can't really take over from editors, since by the time raw coverage reaches viewers, it also reaches the enemy). This consideration was at least the primary *stated* reason that the press corps in the gulf were tightly controlled by American and other military authorities.

Coverage of the earliest Scud attacks on Israel seemed to bear out this fear, as befuddled correspondents, fumbling for their gas masks during live broadcasts, reported the location of Scud landings to the world—including the Iraqis. While the Scuds' inherent inaccuracy made reports by journalist/spotters useless, other weapons systems the Iraqis might have employed could have been adjusted after media reports, to greater military effect.

Or, Iraqi generals watching the Weather Channel might very well have gained more accurate information about battlefield conditions than was available to them from their own sources. In the Gulf War, Iraqi incompetence made these considerations irrelevant, but future adversaries may not be so hapless. Undoubtedly a more satisfactory and less restrictive method than the pool system—one that accommodates both security interests and the demands of modern journalism—will have to be developed.

Some would prefer to go back to the old system of carefully edited, delayed reporting. Testifying before a congressional panel on press restrictions in late February, former CBS News anchor Walter Cronkite warned of the danger. "It would be helpful if all sides agreed that live battlefield coverage is not an issue," he said. "The promise of such coverage was nothing but science fiction, despite our early experience of seeing Baghdad, Tel Aviv, and Dhahran under attack, live in our living rooms. But it simply can't be. Imagine the Iraqi commander monitoring American troop movements via CNN."

Cronkite's point was that the military should have abandoned the restrictive pool system, which limited press access to troops and battlefields, and instead concentrated its efforts on censoring reports and accrediting a reasonably large number of reporters. Cronkite even urged an end to live briefings from the Pentagon and Riyadh, preferring only off-camera, informal talks with journalists. Since briefers knew the Iraqis were watching, he reasoned, the military wouldn't say anything interesting on camera. This rationale for letting journalists, not viewers, determine what is interesting and important falls short. Military sources know equally well that anything they say off camera that is interesting enough to get reported will also become known to the enemy. And Cronkite underestimates viewers' demand for immediate information.

Despite its drawbacks, America's first experience with remote control war must be described as a tactical, if not strategic, success. Viewers had unprecedented access to all sorts of coverage of the war from all sides and perspectives (despite the claims of conservative and liberal critics), allowing them to develop informed opinions.

Fears about Americans' vulnerability to misleading reporting or enemy propaganda remained only fears, unfulfilled in practice, while modern technology, often maligned as a disruptive or dangerous development, again fulfilled its promise of giving ordinary consumers more and more power over services rendered. Serving as their own editors, American viewers had to think for themselves and choose among varied and sometimes confusing alternatives. But a free society recognizes no better judge of truth.

Contributing Editor John Hood is publications and research director for the John Locke Foundation in Raleigh, North Carolina, and a columnist for Spectator *(N.C.) magazine.*

COURTESY OF CAPITAL CITIES/ABC INC.

+ PHOTOGRAPH BY JONATHAN NOUROK +

Cable entrepreneurs Carl Galloway, RIGHT, and his brother Clinton have been fighting city hall for more than a decade.

TWO MEN JOURNEY INTO LOCAL FRANCHISING HELL.

PAIN AND CABLE

BY THOMAS W. HAZLETT

If the following story sounds familiar, you're almost paying too much attention. Because in 1982 I wrote—in this very magazine—an article on the bizarre auctioning of cable television franchises by city governments around the country. Within that article was a long sidebar that detailed the frustrating exploits of two brothers, Carl and Clinton Galloway. Their firm, Universal Cable, had then spent three years trying to procure a franchise to do business in the city of Los Angeles. The tale seemed to demonstrate the crass politicization of the process by which local governments award cable franchises and to highlight the plight of those who attempt to fight the insiders at city hall.

Little did we know how good a story the Galloways were. For in the intervening years, their tale has expanded

to include a landmark legal fight that has gone to the U.S. Supreme Court; a federal court decision finding that Los Angeles violated the Constitution on seven different grounds in its cable franchise maneuverings; a series of front-page "cable scandals" exposed ever-so-belatedly by the *Los Angeles Times*; and a cable monopoly that, despite making a mockery of everything Los Angeles claims it seeks to promote, is still protected by the local government—in defiance of federal law.

So, while in 1982 the Galloways were the little folks fighting the downtown interests, their battle has now gained national prominence and has even come to typify how free speech and robust communications competition are strangled by the bureaucratic process. Our little horror story has become an epic struggle.

South-Central Los Angeles is a classic urban market. It contains a dense housing mix of about 210,000 family units for a predominantly black and Hispanic population. Social services, including entertainment, are limited: Only one movie theater operates within the entire area. People tend to have lots of kids, and they like to stay home at night due to the high crime rate. Telephone poles provide easy access to the great majority of homes, eliminating the expense required to bury coaxial cables underground. It is, in many respects, a surprisingly solid market for cable television service.

This was the perception of Carl and Clinton Galloway back in the late 1970s. The brothers were financially successful (Carl, a physician; Clinton, an investment banker), and they had invested in Ebony Cablevision, a producer of shows of interest primarily to black Americans. Integrating Ebony into the distribution business seemed like a great idea: South-Central Los Angeles was a fat cable market, and it was entirely unwired. The Galloways took Ebony into reorganization, with the new firm—Universal Cable—dedicated to providing a wider variety of programs to all viewers. Then they marched down to City Hall to procure their license to sell cable television subscriptions in South-Central L.A.

That seemingly perfunctory trip, in mid-1979, has yet to arrive at its final destination. The voyage has taken the Galloways to Franchising Hell, an Alice-in-Wonderland world where the ability of government power brokers to reward friends, punish enemies, and manipulate the "public interest" is virtually unconstrained—even by the U.S. Constitution.

What Universal Cable ran into was an elaborate franchising process, complete with public hearings, consultants' reports, "needs assessments," and evaluation of (voluminous) competitive bids. To those not intimately involved in the process, the procedure might have looked like an objective way to choose the best cable company to serve South-Central Los Angeles. That's just the way the architects of the system wanted it to look. For those involved in the process of actually awarding cable franchises for South-Central L.A., the only factor that made any difference at all was one's score on the political-juice meter.

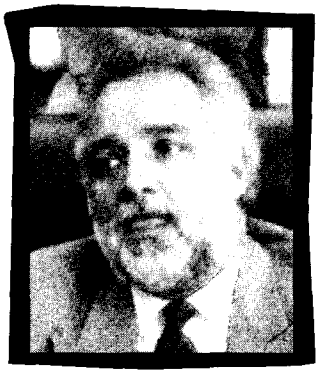
When the Galloways asked Los Angeles for a license to build a cable television system, necessary to obtain permits to cross public rights-of-way with a cable, they were referred to Councilman Robert Farrell's office. The City Council had determined that South-Central was a "black franchise" and that Mayor Tom Bradley and the three black city councilmen would jointly determine its dispensation. Farrell quickly seized leadership on the issue, instructing all interested parties to deal with his staff counsel fresh from Harvard Law School, Channing Johnson.

Johnson is the man to whom the Galloways had to explain their cable franchise request in the summer of 1979. Johnson was clearly moved by the Galloways' optimistic assessment of the South-Central cable market. By early 1980, he had a) devised and implemented a restructuring of the Los Angeles cable franchise map to more clearly delineate ethnic areas; b) left the City Council; and c) formed his own cable company, CTI, to vie for the South-Central franchise. B) and c) appeared to overlap. But the city attorney dropped his conflict-of-interest investigation (City Councilwoman Peg Stevenson had instantly called the city attorney's office after the Galloways informed her of the deal) when both Channing Johnson and Robert Farrell refused to answer questions.

The City Council conducted two very complicated rounds of franchise proposals and evaluations in 1980-83. The bidding between CTI and Universal was joined by a subsidiary of American Television & Communications, then the largest cable

Staff counsel Channing Johnson was clearly MOVED by the South-Central cable market. By early 1980, he had a) RESTRUCTURED map, b) LEFT the City Council, and c) FORMED his own cable company.

operator in the country (and today owned by media giant Time-Warner). The latter had distributed a full 20 percent of its equity shares to a collection of community organizations (including the World Christian Training Center, the Sugar Ray Youth Foundation, and the Westminster Neighborhood Association) in hopes of buying some local clout. But ATC's real problem was its race. As Councilman Farrell told the *Los Angeles Times*, "It's important a black-owned company get the award... not just another honky group that wants to get into L.A. and make a profit."



City Councilman Robert Farrell, TOP, and Mayor Tom Bradley, CENTER, made sure that the right people, including Brotherhood Crusade leader Danny Bakewell, BOTTOM, got a cut of the franchise.

BAKEWELL PHOTO BY JOSE GALVEZ, LOS ANGELES TIMES

ATC began a process of political tanning, so to speak, as it "respect[ed] the need" for incorporating more black ownership. "If I were ATC," advised Councilman Farrell, "I'd worry about my chances to get the final award without taking on more black participation." Since ATC had already unloaded 20 percent of its stock off the top, the price for the franchise was getting very stiff indeed.

During a series of closed-door meetings during 1980, 1981, and 1982, Mayor Bradley and Councilmen Farrell and David Cunningham (another black representative with a hands-on approach to franchise assignments) pointedly told both ATC and the Galloways that merging with Channing Johnson's CTI was the only way to go. The Galloways resented the interference from city hall and insisted that awarding a huge share of stock to political brokers was a recipe for economic disaster that would undermine their desire to actually build a cable television system. Their firm had already entered into a 60-40 partnership (Universal having 60 percent) with a "white" cable company, Six Star Neilsen, and their refusal to abandon existing business relations for political expediency killed any hope of a merger with CTI: "You can't just divide a cable franchise two or three ways with a political deal," Carl Galloway told the *Times* in mid-1981.

Carl may have been slightly naive; he has since learned precisely how it's done. After the Galloways lost their bid for a franchise in 1982 by a single vote, the 15-member City Council deadlocked and denied all three bidders. ATC took its "honky" cable proposal home, and the political wheels began rolling toward what might be called Operation Oreo.

The well-connected real estate development firm Kaufman & Broad, longtime financial supporters of the mayor, formed a shell corporation, ACCESS, that gained the South-Central franchise. Kaufman & Broad carefully doled out 20 percent of ACCESS shares to the CTI movers and shakers, including the former South-Central cable policy maker Johnson and two religious leaders with close ties to Tom Bradley. Danny Bakewell walked away with an impressive 4.25 percent of the stock for his Brotherhood Crusade, and another 0.5 percent of the shares for himself (a sort of pastoral gratuity, perhaps). According to a 1986 memo by Channing Johnson, "all parties agreed that the Brotherhood Crusade would temporarily hold" the stock until Bakewell could organize his partners (sort of gives "brotherhood" a capitalized value). The energetic Bishop H.H. Brookins, a regional director of the African Methodist Episcopal Church (despite having no actual flock) and a political mentor of Bradley, pocketed 1 percent. Some "investors," including Bakewell and Brookins, ponied up not one dime.

During the franchising rounds, Bradley's liason to the black community William Elkins and Bishop Brookins frantically attempted to engineer a merger of CTI—the politically correct "black" firm—with Universal. "All that we ever do is to try to make certain that credible minorities are in the bid process," Elkins said in a 1988 deposition.

As Elkins told it, the effort was simply "to minimize infighting and competition among blacks so they could present a stronger bid. This is an affirmative action issue, nothing more." And, more boldly: "I'm proud of what I've done here. I'd shout it from the steps of City Hall if I had to." And Bishop Brookins, who set up secret meetings to discuss a possible merger of the black firms, characterized his concerns as portraying only the "magnitude...and importance to the community of the South-Central franchise."

What was not, apparently, important to the community was

Under the long-awaited 1983 franchise AWARD, no one lai it was a "HONKY" cable firm—Boston-based Continental Cablevision, the nation. The CITY claims to have no record of the transactions that

cable service itself. Under the long-awaited 1983 franchise award, no one laid an inch of cable until 1988. And then it was a "honky" cable firm—Boston-based Continental Cablevision, the nation's third-largest cable operator. Kaufman & Broad simply shopped their franchise around for four years, selling it to American Cablesystems, which was in turn sold to Continental. (While the city has long asserted its need to tightly control the franchise in the interests of local residents, it now claims to have no record and no details of the transactions that sent the award out of town.)

South-Central was the very last place in Los Angeles to get cable. As late as March 1990, cable bypassed some 52,000 homes in the neighborhood. And once service actually started to become available, the minority interests had vanished from everywhere but the deposit slips. Continental admits that its minority partners have played absolutely no managerial role.

Channing Johnson, who today manages a partnership owning 6.25 percent of the South-Central system (probably worth between $3 million and $6 million), openly acknowledges that the total extent of his involvement in the system is collecting dividends. "For me, this is a business transaction. I'm not there to be a liaison to the black community for Continental Cable," he told the *Times* last year. Hey, what happened to community involvement?

By 1990 even the city's own lawyer, Ed Perez, referred to the award process as just standard political sleaze: "It's the old rent-a-citizen concept," he told the *Times*. But Perez's view is offensive to Johnson: "I don't want to be associated with Brookins. I'm not one of these folks you pluck off the shelf because you have the right skin color or right contacts."

One might like to know what Bishop Brookins thinks of this rather demeaning assessment by his business partner Johnson, but it's difficult to get the bishop on the phone just now. The *Times* did learn that he's not so closely tied to the South-Central community any longer: Bishop Brookins is today on the AME payroll somewhere in the Maryland-Virginia-District of Columbia area.

Even the *Times* was at long last able to see through this scam. Shaken by Brookins's procurement of a number of fat noncable franchises (including a $7.3-million cut of airport concession profits, shared by Brookins and a select minority few—including the wife of House Ethics Committee Chairman Julian Dixon), the *Times* finally targeted an editorial at the graft just across the street. In "Cable Con in South-Central L.A.," the paper wrote that the fact that "Brookins and others in the mayor's circle of enterprising friends were handed shares in the lucrative franchise as virtual gifts is more than just another example of how badly the Bradley Administration's chronic cronyism has abused and affronted the public interest."

But "the public interest" was exactly what the city claimed it was serving as it resolutely awarded its single cable franchise to its hand-picked firm. The *Times* failed to notice that the key to the consumer extortion was monopoly; the exclusion of eager competitors such as the Galloways was what made this cable franchise so inviting. And all through the 1980s, the Galloways were locked in a legal battle (code name: *Preferred Communications v. City of Los Angeles*) to break down the exclusive franchise award and break into the South-Central cable television market.

Their fight began after the city's merger talks broke down in 1982. The Galloways claim these merger attempts were only thinly disguised shakedowns: "There was no secret about it," says Carl Galloway. He claims that Elkins explained point-blank that "Bishop Brookins and Danny Bakewell must be taken care of. They sealed off the business for Tom Bradley's friends." And so the Galloways went to court.

The Galloways filed a federal lawsuit in 1983, attacking the monopoly cable award on First Amendment and antitrust grounds. (Los Angeles, as is typical across the country, issues "nonexclusive" cable franchises but refuses to award more than one such license for any of its 14 nonoverlapping franchise areas. That wouldn't be in the "public interest.") The city laughed off the suit, as U.S. District Judge Consuelo Marshall tossed it out without a trial.

Then the laughing stopped, and the city's "public interest" smirking began. At each successive judicial level, the politicians' cynical rationalizations were smoked out, as the city lost an exhaustive series of federal rulings. In a unanimous decision, the Ninth Circuit Court of Appeals reinstated the First

an inch of cable until 1988. And then the third-largest cable OPERATOR in sent the award out of town.

Amendment claims, holding that the city could no more issue a monopoly license in cable than it could in newspapers. (The city walked on antitrust because of certain state immunities from prosecution.) The court rejected the city's plea to reconsider the case en banc.

The U.S. Supreme Court did take the city's appeal, but in June 1986 it voted, 9-0, to uphold the Ninth Circuit ruling. This forced the case back to the district court for a trial. But the trial never happened. In January 1990—nearly seven years after filing its constitutional claim—the Galloways' Preferred Communications (as Universal is now known) won a stunning summary judgment: The city had violated the Galloways' constitutional rights seven different ways in denying them a license to compete in the South-Central cable television market.

So the Galloways get the cable franchise, and justice prevails; the Constitution lives, and the American Way of Life triumphs once again? Well, stay tuned. Because Los Angeles has not—to this day—issued the Galloways a permit to do cable business.

The city now maintains that, while the federal court found that they trampled the Galloways' rights, its mission today is simply to "process" the application of Preferred Communications in a more refined, more constitutionally sound way. City officials envision a new series of hearings, studies, meetings, evaluations, and consulting reports that will allow the city to determine if "the public interest" is served by issuing a franchise to Preferred Communications. And that will take a while. And if the new and improved franchise round is unconstitutional? Well, Preferred can always file another suit.

Preferred quickly filed a franchise application after winning the federal suit—and the paperwork still sits at the bottom of some bureaucrat's "in" basket. The company has now filed charges against the mayor and Los Angeles's chief cable bureaucrat for conspiring to deny the hard-won civil rights of the gentlemen of Preferred.

The alibis to end run the Constitution continue, post-fabricated to dress up a monopoly in the political interest: There isn't enough space on the phone poles for a second company (a claim contradicted by the city's own expert in 1989 after having been argued vigorously by the city through long years of litigation). Preferred isn't financially qualified to operate a cable company (an assertion that contradicted the city's own 1981 evaluation; in any event, such concerns didn't stop a more politician-friendly crew with no cable holdings from getting the franchise). The Galloways aren't really serious about the cable business; they just like filing nuisance litigation (an argument that might be a bit more compelling if the city had ever won a case).

The sordid details of this case are classic. Sadly, they are typical of many cities. Indeed, every federal agency to seriously look at municipal cable franchising in recent years has been appalled. In July 1990, reacting to the anticompetitive behavior of Los Angeles and other municipalities, the FCC proposed federal legislation to "forbid local franchising authorities from unreasonably denying a franchise to potential competitors who are ready and able to provide service."

This followed the principal franchise conclusions of a major federal report issued in June 1988 by the National Telecommunications and Information Administration, the most detailed federal cable study in 14 years. The report's analysis of the local regulatory situation turned the city's "public interest" argument for monopoly licensing on its head: "The common occurrence of exclusive cable franchises does not serve the public interest. The franchising process has seriously impeded entry by competitors and imposes substantial costs on franchisees, cable subscribers, and the public. Municipalities should, instead, encourage competitive cable operators to service a franchise area. This would result in greater choice, better service, and lower prices to consumers. In fact, many of the 'market power' problems and issues we face today are direct outgrowths of a franchising process that has, and continues to, erect large entry barriers."

When the city of Los Angeles chiseled out "the public interest," it was found to lie in forcing the predominantly poor citizens in South-Central to wait nearly 10 years before CNN, HBO, or MTV was allowed into their neighborhood, so that a complicated political payout matrix could bless the investment portfolios of "rent-a-citizen" hustlers now scattered to the winds—all to have the consumer service finally delivered at monopoly prices by the subsidiary of a huge firm located in Boston.

Say what you want about Carl and Clinton Galloway, they're still in the Los Angeles area. They've got a slip of paper informing them that the U.S. Constitution is on their side. And they still have dreams of building a competitive cable television system in South-Central L.A.

But at Los Angeles City Hall, that's not what it takes to be "in the public interest." ■

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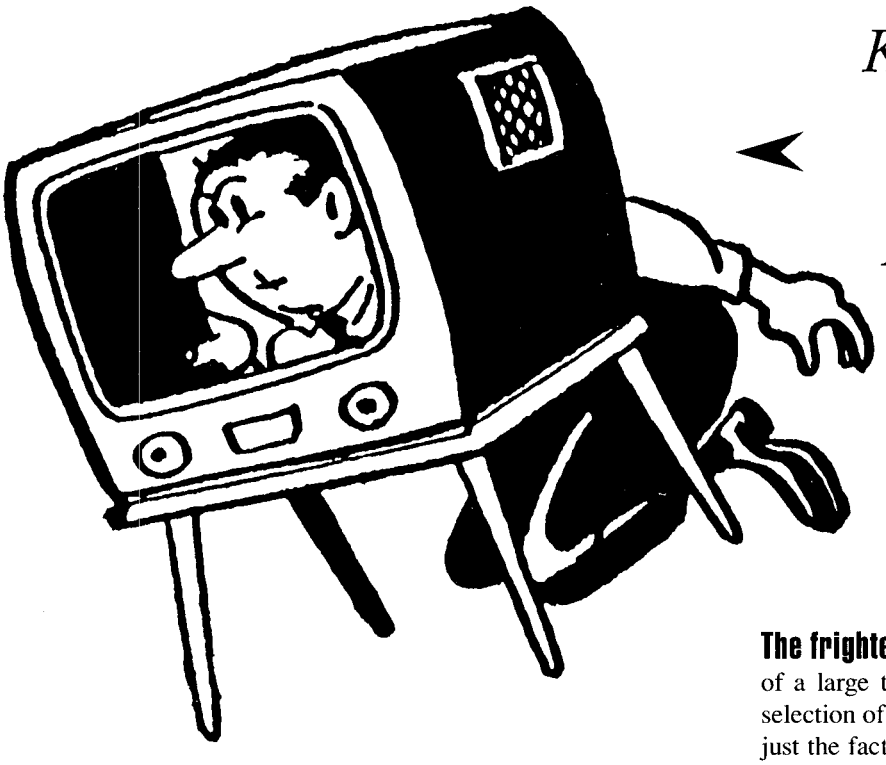
PopCultCrit

Karl Marx visits Mister Rogers' Neighborhood.



BY RICHARD MARIN

The frightening thing about receiving the bound galleys of a large trade paperback called *thirtysomething Stories,* a selection of scripts from the show's four-year history, was not just the fact of its existence (frightening enough in itself) but the knowledge that it will almost certainly become source material—*le texte*, if you will—for somebody's doctoral thesis at one of America's great institutions of higher learning. Something like, "Hope and Michael: Diff/rence and the Politics of Patriarchy," or "If Gary Did Not Exist, Would it Have Been Necessary to Invent Him?"

That a breed of "TeeVee Intellectuals," eggheads writing about television the way they once did about Melville, has flourished in the ivory tower over the last couple of decades should come as no surprise. Far less worthy subjects have come under academic scrutiny. What is surprising is when this stuff trickles down into the mainstream—the op-ed pages of newspapers and sandwiched between the Guess? jeans ads and lifestyle advice in glossy magazines. Popcult, and popcult criticism (popcultcrit?), was packaged and hyped like everything else in the '80s. Pantheon launched a line of books subtitled "A Pantheon Guide to Popular Culture." Pantheon contributor/editor Mark Crispin Miller, a youngish and exceedingly clever Johns Hopkins professor, for a brief shining moment actually had a column in *Esquire*.

Mr. Crispin Miller and his West Coast counterpart, Todd

Gitlin of Berkeley, are the de facto ringleaders of the TeeVee Intellectual crowd. They write op-ed pieces for the *New York Times*. They take turns editing the Pantheon guides. They cite each other in footnotes. Miller's book *Boxed In* (1988) is a collection of pieces written for *The New Republic*, the *New York Review of Books*, *The Nation*, and more purely scholarly publications like *The Georgia Review*. The best of these essays are his frame-by-frame analyses of TV commercials: ads for Jamaican tourism and deodorant soap. Miller was trained as a Renaissance poetry man, schooled in the art of the close reading. His argument, made in the foreword to *Boxed In*, is that the same techniques of close reading, frame-by-frame rather than line-by line, can and should be applied to that most pervasive popular art form, television. The ad men who make these pitches, after all, are intensely aware of the power of images and words. They know what they're doing. It is therefore legitimate, necessary, and at the very least interesting to subject their video-encoded messages to critical scrutiny.

Miller parses the imagery in a Jamaican tourism ad made at a time when the country was perceived as a savage land of antiwhite resentment and dangerously stoned Rastafarians, noting its comforting shots of nonthreatening old black men and smiling peasant children. He observes the symbolic emasculation of a man hysterically fearful of showering without his Shield deodorant soap (the first shot is of the man, naked from the waist up, leaning out a window over a box of geraniums). Miller freeze frames with wicked intensity; you can feel his big brain absorbing every detail of the material and spitting out interpretations with crisp (his middle name was well-chosen) and caustic irony.

So damning was the Shield piece that it provoked a defensive response from the industry in the form of a column in *Advertising Age* titled "The Professor Prunes a Television Trifle." Miller's analyses at least engage the reality of what appears on our television screens in a given day. And he can write.

The same cannot be said of many of his comrades. In *Watching Television*, a collection of TV-intellectual ruminations edited by Todd Gitlin, Michael Sorkin writes: "At the simplest level, the form of my Tuesday evening's prime-time pleasure is structured by a dialectic of elision and rift among the various windows (scheduling, programming, 'news') through which images enter the broadcast and are combined as television."

Witness Monsieur Sorkin deconstructing Mr. T, "whose 'real' name has decomposed before his initial penetration of general consciousness."

Gee, and most of us thought he was just a big, scary guy with a mohawk.

Sorkin is the worst offender in the pretentious semiotician category. The blinkers through which most of the other writers in *Watching Television* see TV are political. Children of the '60s for the most part, they bring considerable ideological baggage to their "readings" of television. In *Watching Television* Ronald Reagan's name is mentioned on average every two-and-a-half pages—not favorably.

Gitlin complains that television shows have adopted the visual techniques of the advertisements that support them. An evil trend, as he sees it. TV programs are, by this definition, equated with commercials; they are one and the same, all part of the general brainwashing of the viewer/consumer by corporate America. Miller elaborated on this theme in a long cover story for *The Atlantic* on product placement in the movies: John Candy offering Jim Belushi a Coke in "Who's Harry Crumb?" and other Göebbels-like manipulations of the American psyche.

This kind of paranoid throwback thinking naturally finds a haven in academe and in the pages of *The Nation*, where many of these writers can also be found. *Nation* contributor and occasional TeeVee Intellectual Pat Aufderheide attacks MTV for its sexist, reactionary tendencies as "the authentic expressions of a populist industrial society." The concept of irony, as vital a component to MTV as Madonna videos, is unknown to her.

True to their structuralist/deconstructionist pretensions, the TeeVee Intellectuals never stoop to qualitative judgments. Asserting that "The Simpsons" is actually better than "Who's the Boss?" would be beside the point, insufficiently cognizant of the big picture. Value judgments, to those who accuse TV of gross debasement of values, are apparently irrelevant.

What's interesting about all these writers is their gener- ational bias. It could be argued that even though they grew up in the age of television, they are not really children of television, in the way that those of us twentysomething on down are. Baby Boomers grew up watching what the Big Three networks told them to watch. The concept of meaningful choice did not exist, much less the 50-channel zappability afforded by cable. Movies for all of them are unquestionably the higher art form.

Now, as someone who watches TV for a living and goes to an awful lot of movies for "pleasure," I can safely say that there is as much good television as there are good movies. Only because of the volume of production is there more bad television than movies. I can even accept the TeeVee Intellectuals' premise that such value-judgmental comparisons are irrelevant to an McLuhanesque analysis of the TV medium and its message. But television has developed a consciousness of itself that did not exist in the days of Ozzie and Harriet. David Letterman. "SCTV." MTV and its sister network, the TV-nostalgia archive "Nick at Nite." All of these are examples of television that winks at viewers, rather than brainwashing them.

Miller's Marxist cynicism would compel him to argue that TV has "co-opted" irony, that it's just another way of making the sale. Which is true in part. Television in America is a commercial vehicle. But it's obnoxious Berkeley elitism to assume that the only citizens of modern culture capable of not responding in the most Pavlovian way to a Diet Pepsi commercial are tenured professors of communications theory. ■

Richard Marin is the television critic for the Washington Times.

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"One of the strengths of KCET is that when I turn it on, it isn't always something that I want to see," said one volunteer during the Los Angeles PBS station's March pledge drive. He summed up the attitude of many of public television's most devout supporters: It isn't always enjoyable, but dammit, PBS is important.

In fact, PBS has looked pretty important over the last 10 months. In September, the network's series on the Civil War drew an incredible

BY CHARLES OLIVER

BEYOND BIG BIRD

D TO UNAUTHORIZED
ELECTRONIC REPRODUCTION PROHIBITED

(by PBS standards) 12 percent of the national television audience. In October, PBS kicked off a $2-million ad campaign to promote the new season, including its first-ever ads on commercial television stations. And in November, the PBS board of directors took control of programming away from member stations and placed it in the hands of PBS Vice President Jennifer Lawson. The move promised to streamline an unwieldy system in which several different committees decided which programs were funded.

But beneath the surface successes, PBS appears to be in trouble. It isn't mortally ill, not by a long shot. But it is declining in importance. Indeed, long-term trends are at work that could spell the end of public television.

PBS never quite lived up to its promise. The talking heads of educational TV were simply interrupted now and then by Cookie Monster and Julia Child.

Before PBS, there was educational television. In 1949, the Federal Communications Commission reserved 242 channels for noncommercial instructional television. The next year, KUHT-TV in Houston went on the air as the nation's first educational station. By the early 1960s, there were 75 educational television stations on the air.

Educational television was pretty low-rent stuff. With little money to spend on programming, most stations relied on talking-head discussion shows, chalkboard-and-pointer instructional programs, and the occasional nature documentary.

PBS was supposed to counter all of this. In the preface to the 1967 Carnegie Corp. report that first proposed a public television system, E.B. White wrote that this system should be "the visual counterpart of the literary essay, should arouse our dreams, satisfy our hunger for beauty, take us on journeys, enable us to participate in events, present great drama and music, explore the sea and the sky and the woods and the hills."

In 1968 Lyndon Johnson created the Corporation for Public Broadcasting, which would pump money into public television and radio to create White's "visual counterpart of the literary essay." One year later, CPB and public television stations formed PBS to jointly produce and program new shows.

PBS was in many ways a model Great Society program: originated by ivory tower intellectuals, intended to achieve lofty goals, and given generous federal funds. And like many Great Society programs, PBS never quite lived up to its promise. The talking heads of educational television were simply interrupted every now and then by Cookie Monster or Julia Child.

The audience for it all was small. By the late 1970s, PBS usually averaged about 4.5 percent of the prime-time viewing audience. At the time, the lowest-rated of the three commercial networks could easily draw 15 percent.

Over the years, PBS's audience didn't grow, but public television itself did. The number of stations jumped from about 100 when the system began to about 300 in 1990. Today, public television is a $1-billion-a-year business. WNET, the member station in New York City, alone has an annual budget of more than $100 million. Perhaps most emblematic of the changes at PBS is the Washington, D.C., station, WETA. WETA started out in the home of one of its supporters, but now it has a $40-million annual budget, a skylighted complex in Arlington, Virginia, and Sharon Rockefeller (wife of Sen. Jay Rockefeller) as its president.

And as public television grew, the bureaucracy became more complex. An amalgam of alphabet organizations—CPB, PBS, NAPTS, EETN, PMN, and SECA being the most prominent—came together to fund programs and coordinate the actions of public television stations. Programming was particularly complicated. PBS itself could put shows into development through the PBS-CPB Program Challenge Fund. But programs were typically developed at a handful of large member stations—WGBH in Boston, WETA in Washington, D.C., and WNET in New York City being the most important. These stations drew their money from a variety of sources: the Corporation for Public Broadcasting, other stations through the Programming Cooperative, viewers, foundations, and corporations.

This complicated arrangement shielded the system from accountability. "The public television bureaucracy is certainly confusing to outsiders," notes conservative journalist David Horowitz, who is writing a book on PBS. "It seems designed so that everybody involved can avoid the responsibility for the programs. If you have some criticism of one of their shows, and you want to find out who is responsible for it, the response is always 'Well, funding was approved by this committee. And this group placed it on the schedule.' Or, 'It was produced by WGBH or by the BBC.' Everyone can pass the buck to someone else."

At least in the early days, there was arguably a need for public television. When PBS was formed, most households—except in a few big cities—could receive only the three networks. There was little variety in TV programming. The commercial stations stuck to sitcoms, shoot 'em ups, and game shows. High culture and public affairs were almost nonexistent.

But even as the PBS bureaucracy was growing fat, changes in technology and in the marketplace were occurring that would challenge PBS's need to exist. The growth of independent commercial stations and the success of the VCR and compact

disks gave people a greater choice in home entertainment. But the biggest problem for PBS is cable.

Thanks to those little boxes on top of their TVs, most people now have a large variety of channels to watch. The average viewer can choose from 30 channels, and that number will probably double by the end of the decade. As a result, PBS's share of the prime-time audience has declined by about 12 percent over the last decade, from its high of 4.5 percent to 4 percent in 1990. As cable channels develop, PBS's decline seems likely to continue, perhaps even to accelerate.

Many of the new channels just imitate—or more likely rerun—the programs offered by ABC, CBS, and NBC. But others have appropriated the kind of programming that was once unique to PBS, the programming that it was once argued must be subsidized by government because the market would not provide it. And, in most cases, the specialized channels give viewers more of what they're looking for.

PBS turned down "The Greenhouse Conspiracy," LEFT, as too one-sided. But not all PBS shows are as balanced as "Ethics in America," RIGHT.

PBS has "Nova" and "Nature." But the Discovery Channel devotes most of its daily schedule to science and nature programming. PBS offers "Austin City Limits" and "Lonesome Pine." But the Nashville Network gives country music fans 12 hours of music videos, live performances, and interviews each day.

Some PBS stations carry adult learning programs, but the Learning Channel specializes in educational shows. "The MacNeil/Lehrer News Hour" lets PBS viewers catch up with the news at dinner time each weekday, but CNN gives viewers the latest news around the clock. PBS lets us sees "Masterpiece Theater" and "Great Performances," but the Arts & Entertainment network offers fine arts and drama 24 hours a day.

PBS gives viewers "Wall Street Week" and the "Nightly Business Report." But CNBC and FNN offer nothing but business and financial information. PBS has "Tony Brown's Journal," a public-affairs program aimed at blacks, but BET targets *all* its news and entertainment programs specifically at blacks. Some PBS stations occasionally show classic films. But American Movie Classics and Ted Turner's TNT carry several different classic American and foreign films every day.

And when I watched a day's worth of KCET programming, the PBS affiliate clocked an average of 10 minutes of pledge breaks per hour—the longest was 19 minutes. Home Shopping Network begs for money 24 hours a day.

If the market now offers cultural and public-affairs programming, why should taxpayers continue to shell out $200 million a year for public television? And why should the FCC reserve a valuable share of the broadcast spectrum exclusively for public television programming? PBSers offer two reasons: PBS is free (unlike cable), and PBS still offers some programs that cable will not touch.

In fact, PBS does more than 90 percent of American homes, while cable reaches only 60 percent. But the people who most watch PBS are those who are most able to afford other forms of entertainment and information. They are better educated and more affluent than the typical couch potato.

In its audience breakdowns, PBS claims that its viewers are only slightly more affluent than the average TV audience. For example, PBS says that 32 percent of its audience earns less than $20,000 a year, compared to 36 percent for America as a whole. And 15 percent of PBS viewers earn over $60,000 a year, but for America as a whole the number is 13 percent.

These figures may be true if the broad demographic spectrum of people who plop their children down in front of "Sesame Street" is included. But the hard-core prime-time audience is decidedly upscale. In Memphis, Tennessee, for example, 68 percent of the subscribers to WKNO's viewer magazine have a household income of $50,000 or more; 62 percent have an investment portfolio of $50,000 or more; and 68 percent have a household net worth of $100,000 or more.

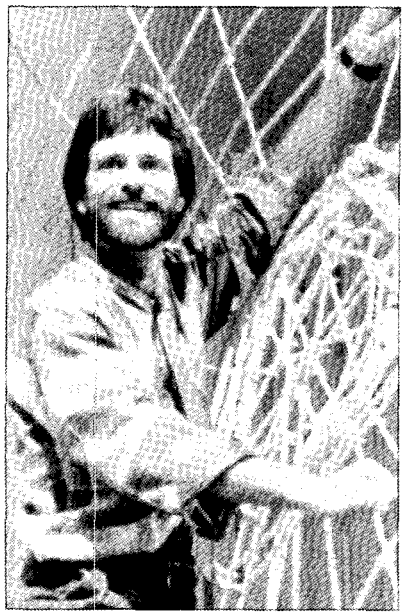
The figures are similar across the nation. Writer Andrew Ferguson notes that WETA's viewer magazine lures advertisers with promises of an upscale audience. "For these purposes," he says, "the station admits that its contributors have an average household income of $95,583, an average investment portfolio of $249,693, and an average household net worth of $627,663."

If PBS viewers are actually no richer or more influential than the average "Cheers" fan, he asks, why do all those Fortune 500 companies underwrite PBS shows? "As a WETA fund-raiser told me, 'They know that during prime time public television can deliver the demographic they want: affluent, highly educated, the movers and shakers, the socially conscious and well-informed.' " These aren't the sort of people who can't afford cable.

Still, Henry Becton, president of Boston's WGBH, contends that there are still certain types of programs that are unique to PBS. "The cable channels don't do opera or classical music," he says. "You won't find Peter Sellars doing Mozart on A&E."

Well, that's not exactly true. PBS may have a higher volume of classical music than cable. But one can find the classics on commercial channels. A&E's schedule has never been loaded with classical music, but it has offered viewers "Eugene Ormandy Conducts the Philadelphia Orchestra" and "Mahler: Songs of the Earth."

And there's a very good reason that commercial channels don't carry more classical music. Richard Ottinger, CEO of the Georgia Public Television Network, notes that his network's audience for opera and classical music has fallen over the last decade, thanks largely to improvements in home stereo. "The quality of sound on television isn't that good," he says. "The people who like this type of music would rather listen to it on compact disk. On television the sound comes through a tinny little box."



As cable channels continue to multiply, finding a niche for PBS will become increasingly difficult. Ottinger, for example, wants the network to offer "more local coverage, more political coverage, and more service or how-to shows." But cable is filling even these niches. Almost every system sets aside one channel for community programming and coverage of city or county council meetings. Some larger systems even have 24-hour local-news channels. CNN and C-Span provide all the politics even the most voracious news junkie can stand. Finally, many channels offer some sort of how-to programs, and the Learning Channel specializes in information-you-can-use shows.

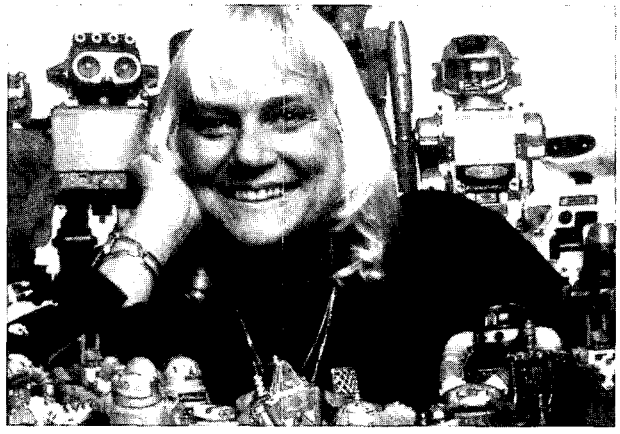
Richard Hutton, senior vice president for programming and production at WETA, offers another common solution: "We should focus on quality. Cable can't match us there. They have nothing like 'The Civil War' or 'Eyes on the Prize.'"

True enough. But cable is still in its infancy. As channels such as TNT and A&E begin to produce more of their own programs and gain more experience at making original programs, the quality of their shows will probably improve. In March, for example, *TV Guide* asked 11 experts to pick the best new shows for children. Most of the shows were on cable; some were on the networks. None were on PBS.

Besides, *quality* may be just a code word for "more expensive." If PBS's audience continues to decline and upscale viewers turn more to other forms of entertainment, it may become more difficult to get government and corporations to shell out money for PBS's "quality" programs.

In short, PBS insiders want to preserve their autonomy and government subsidies, but they can't seem to agree on the best strategy for doing that—or to come up with a strategy that will work. Becton offers a common solution: "We must remain unique and different from commercial channels."

The world is a much different place than it was 20 years ago, when PBS was taking its first steps. But the management of PBS has changed very little, and that limits the system's ability to find creative alternatives to commercial programming. "People tend to stay at PBS for a long time," says Bob Chitester, founder and former president of WQLN, the PBS station in Erie, Pennsylvania. "And the people at the top tend to have long tenure. There are station managers there who were there when I first started 20 years ago."



PBS recently dropped "Newton's Apple," LEFT, one of its few science shows. The Discovery Channel offers a wider range of such programs, including "Invention," RIGHT.

Like most government agencies, public television continues to operate much as it did when it was started, refusing to adapt to changing circumstances. Chitester contends that the network's schedule reflects PBS's lack of new ideas and reluctance to change. "If you look at the really important shows, you'll find that almost all of them are 15 or 20 years old," dating back to PBS's early years, he says. " 'Sesame Street' is great, but there's no way for a new 'Sesame Street' to evolve within the PBS system."

Two years ago, the board of directors created the position of "programming czar" to streamline the bureaucracy, stem eroding viewership, and push PBS into the 1990s. The post was given to Jennifer Lawson, who moved quickly to consolidate her authority. She ended funding for two low-rated PBS staples, the children's show "Newton's Apple" and the documentary series "American Masters." She is developing a new children's game show and has announced plans to showcase more popular music.

INVENTION PHOTO COURTESY OF DISCOVERY CHANNEL

Despite a general agreement that some sort of change must be made in PBS, some public television staffers, especially those at the local stations, regard attempts to reform the system with wariness. No one will criticize Lawson on the record. But privately some fear that her appointment, along with the more permissive rules for identifying corporate underwriters enacted six years ago, is part of a process of commercializing—or mainstreaming—PBS programming. Lawson denies this charge.

PBS producers, says Chitester, almost never ask if anyone else wants to see the shows they make. "I helped create programs that my mother wouldn't watch," he says. "It was fun and games at the taxpayers' expense." PBS producers fear that Lawson's changes may cost them the freedom to do what they want without worrying about attracting an audience. "One of the strengths of PBS is that it provides an outlet for different voices," Boston's Becton told *TV Guide*. "We need to offer an alternative to commercial television, and to do that we need a producer-driven system, not a schedule-driven system."

This difference between the mind-set at PBS and that of the cable channels was demonstrated in March, when the Discovery Channel picked up the British documentary "The Greenhouse Conspiracy" for broadcast in the United States. Aired in Britain last August, the documentary, which questions whether global warming is indeed occurring, drew tremendous praise from both reviewers and scientists.

But PBS declined to purchase the American rights, deeming the documentary too one-sided. PBS critics note that the system regularly shows one-sided documentaries, including several programs that uncritically accepted the direst global warming predictions. In response, one PBS executive told Media Watch, a conservative press watchdog group, "I'm not sure it's useful to include every single point of view in order to cover every base because you can come up with a program that's virtually impossible for the audience to sort out."

When PBS turned down "The Greenhouse Conspiracy," Discovery jumped at the chance. "Politically, I'm not sure the views of the executives at the Discovery Channel differ from those at PBS," notes Richard Miniter, an environmental policy analyst at the Competitive Enterprise Institute who urged PBS to air the documentary. "But market forces compel the Discovery Channel to show things that don't necessarily conform to their world view. This was a very marketable product—a highly documented, well-crafted documentary that already had stirred up a controversy and gained quite a bit of publicity. The Discovery Channel had an interest in showing it that PBS didn't." Discovery will air the documentary in late June.

So what does the future hold for PBS? If Jennifer Lawson fails to stem the exodus of viewers, could we see the system privatized or abolished?

In 1981 the Reagan administration considered turning PBS into a scrambled, over-the-air subscription service, but it ultimately rejected the idea because the cost of the needed new equipment would far outweigh the revenue that the network could raise. Moreover, privatizing the system could easily lead to the demise of the network. Its staff, accustomed to Becton's "producer-driven" system, just wouldn't know how to cope in a profit-driven company.

"Most of the people in PBS management have worked their way up in the system or have come to it from academia. There aren't many people with commercial broadcasting backgrounds there," observes Chitester, who produced "Free to Choose." "They couldn't easily adapt to a market system—producing shows that viewers want to see, rather than the programs they themselves want to see, trying to earn a profit. They wouldn't fit in in that type of environment."

"I helped create programs that my mother wouldn't watch," says producer Bob Chitester. "It was fun and games at the taxpayers' expense."

Full commercialization or privatization of PBS seems unlikely. PBS remains popular on Capitol Hill. And while PBS is actually run by its staff, it has been very successful at loading its local boards of directors with community VIPs who want to help out "Sesame Street." They form a very strong lobbying voice for public television.

Despite all of the controversy surrounding the National Endowment for the Arts, that program was never in danger of being abolished, and its budget was barely touched. If Congress continues funding Karen Finley, it certainly isn't going cut the money for Big Bird.

But the pressures on PBS will continue to mount. Each year cable channels grow, both in number and in strength, drawing viewers and corporate dollars away from public television. Videotape and compact disks also cut into PBS's audience. Meanwhile, budget pressures at both the federal and state level will mean smaller budgets for public television. After adjusting for inflation, the federal contribution to PBS will decline slightly this year. And many states have made nominal cuts in their funds for public television.

We can't count PBS out just yet. The existence of the Rural Electrification Administration and numerous other government agencies that have long outlived the problems they were created to solve indicates that PBS could be around for a very long time. But it isn't too farfetched to imagine the system slowly withering away.

Charles Oliver is assistant editor of REASON.

+ ILLUSTRATION BY RICHARD EWING +

WHO'S THE BOSS?

Why ABC let me bash its sponsors.

BY JOHN STOSSEL

For 17 years I was a television consumer reporter. This was an odd job, because in essence it meant my employers paid me to criticize the people who pay them. I was rewarded for telling people what advertisers didn't want them to know.

I assume it would have been a given in any discussion among government planners 20 years ago (or even now) that this kind of reporting would simply not happen. I can hear the arguments:

"This is one more reason why government-supported television is so necessary. If consumers are to be given important information about products that are dangerous, ineffective, or simply more expensive than other available choices, they won't get it from commercial broadcasters. Just as *Consumer Reports* reviews products credibly because the magazine carries no advertising, only PBS can do consumer reporting."

The planners' arguments seem logical, but the reality today is that there is no significant consumer reporting on public television, while there is an endless parade of it on commercial TV. *Consumer Reports* syndicates a news service to 70 television stations; not one is a PBS affiliate.

How can this be? In commercial broadcast television, advertisers pay for *everything*. Appropriately, the networks court them as any business should court its valued customers. Media buyers are favored with fine food, lavish parties (less lavish lately), hard-to-get tickets, etc. Why would a business undermine this courtship with negative consumer reporting?

Of course, even consumer reporters try to find complimentary things to say (medical breakthroughs, genuinely innovative products, etc.), but it is the nature of news to be negative (that REASON's offices were not hit by an airplane is nice, but not news). For the most part, I spent 17 years insulting my employers' most valued customers: I questioned their research, their promotion, their products, even their motives. For heaping such abuse on our customers, I was given promotions and extravagant paychecks.

To highlight this contradiction, let me give two examples. I'll pick painkillers, since at the time these incidents seemed particularly painful—to me, and to my employers.

While working for WCBS-TV (CBS's owned-and-operated station in New York City), I reported that the Federal Trade Commission had charged the makers of Anacin, Bufferin, Cope, Vanquish, and Arthritis Pain Formula with false advertising. Each company claimed its brand worked faster or killed more pain. In truth, they were all about the same, since aspirin was their only painkilling ingredient. The makers of Anacin even had the nerve to call Anacin "a tension reliever" even though its only ingredients are aspirin and, of all things, caffeine.

The government wanted the aspirin sellers to run "corrective" advertising, which would have been something like: "Contrary to prior ads, Bufferin will not relieve more pain." The lawyers managed to keep this in court for six years, eating up your tax and aspirin-buying dollars, until a judge concluded that it was sufficient for the sellers simply to stop making the old deceptive claims. "Corrective" ads never ran.

None of my reporting on this story was ground-breaking or exceptional. Nevertheless, it inspired Bristol Meyers, maker of Bufferin and Excedrin, to sue me and CBS for $25 million.

I assume the company sued because of the language I used. The wire services carried similar stories but used the lawyer-driven language common to government press releases, something like: "The Federal Trade Commission today filed a deceptive trade practices action against the manufacturers of analgesics." I didn't find that clear, so I named the brand names and said, "Look, the ads are hogwash."

This was my first lawsuit, and if its purpose was to terrorize

me, it succeeded. I waited for CBS to disown consumer reporting—it was still a new field at the time—and fire me. To my surprise, CBS merely issued a statement saying it considered its "consumer reporting a valuable public service," and told me, "Carry on."

Lawsuits are not the biggest threat. They do carry the risk of bad publicity and destructive legal costs, but in practice the suits are seldom played out. After Bristol Meyers held a press conference to announce its complaint, it quietly let the lawsuit lapse. This is typical—in my 22 years of reporting, I've never made it to court.

The bigger threat is the loss of advertising. That brings us to the second example. On ABC's "Good Morning America," I explained that Sterling Drug's heavily touted "discovery," Panadol, was just an expensive form of acetaminophen, the painkiller in Tylenol. I suggested people buy store-brand acetaminophen, which cost half as much. Sterling Drugs took offense and pulled all its advertising from ABC.

You would think a commercial television network would say, "Who needs this? Who needs Stossel?" Instead, ABC never even told me about it. I learned of the cancellation months later, when someone at an advertising agency told me it cost the network $550,000.

Why does this happen? Why would the network executives go out of their way to protect reporting that criticizes the people who pay the bills? Everyone talks about that "wall" between sales and news, but who would think that when big money was at stake, the wall would be respected?

My bosses in the news division say it happens because news is special, a public service so important that it deserves protection, insulation from crude market forces. Crucial to the credibility of a news organization is the public's confidence that it will foment a free and open debate about *everything*, and *everything* includes advertisers.

That may be true, but there is a second factor that is usually overlooked. Consumer reporting is broadcast by commercial media because the market, working in its infinitely bizarre and unexpected ways, encourages it.

The business cliché "be customer driven" has two meanings for a commercial broadcaster because he has two sets of customers: advertisers and viewers. OK, the viewers don't pay anything, but if viewers don't like the product, the advertisers won't pay. Hence, the obsession with ratings.

The ratings wars inspire some schlock TV, but they also represent democracy at its best. Viewers vote with their dials. If they don't like what we do, we're gone. I would argue that American television programming is so far ahead of the programming done by Europe's and Asia's government-driven broadcasters simply because our ratings-obsessed system creates better competition.

It also benefits the consumer reporter, because although his reporting is annoying and expensive to his employer, the employer's research shows that one thing viewers want most in their television news programs is consumer information. A broadcaster can protect some ad revenue by killing the consumer beat, but if he loses viewers, it's not worth it. In practice, stations have found that the higher ratings pay for occasional ad cancellations. (Most of the advertisers cool off and come back anyway; they like running their ads in a credible environment.)

There are exceptions, of course. KGW-TV in Portland, Oregon, once told me that I couldn't say that Campbell's Soup put marbles under the noodles to brag about how thick its soups were, or that Libby-Owens-Ford Glass, in boasting about the clarity of its car windows, shot the commercials with the windows rolled down. The boss said, "We can't run that. We depend on the advertising community for our livelihood."

Ten years later, "Good Morning America" killed a story I did on "premium" beers. We did a silly taste test in a bar to show that people who swear they'll only drink Bud or Miller really cannot tell the difference. Insiders at ABC told me the story was killed because a major Budweiser sales deal was in the works; it wasn't worth risking the deal over such a minor story. The news department said it wouldn't fight for this one because my survey wasn't very scientific (some of the tasters were a little drunk).

Neither story was important, but the censorship was infuriating and chilling enough to drive me to leave KGW and to *think* about leaving "Good Morning America." (I chickened out. They had never censored me before—and it was an awfully good job.) Nevertheless, what is remarkable about this is that, in 17 years, it's only happened twice.

The ABC executive who killed the beer story later left the company, and nothing I've done has been censored since. I even reshot the beer story, using sober tasters, and it was broadcast without interference. My successor at "Good Morning America," Paula Lyons, says she's never been censored either.

Recently the *Investigative Reporters and Editors Journal* quoted reporters from several TV stations who said they'd been told not to report on certain advertisers or had been fired after offending advertisers. The IRE subtitled its article: "Terrifying Trend...clamp down on advertiser-sensitive reporting," yet it was able to identify only a few abuses. It also noted (briefly, at the end of the story) that those same stations had "allowed their reporters to go after other sponsors." A subsequent Ralph Nader column repeated the IRE's complaints (predictably, he omitted the good news) and claimed that consumer reporting had been "decimated" in Chicago.

Such articles are useful because they deter stations from broadcasting their sponsors' ("All car dealers are wonderful") version of life. But the bottom line is that these incidents are newsworthy only because they are unusual.

Once again, the market has delivered more to the consumer than our government "protectors" have. The "public" stations were supposed to be the ones that would carry the "sensitive" consumer news. They did not. Profit-seeking, advertiser-beholden private businesses did. ■

John Stossel is a correspondent for the ABC News program "20/20."

+ ILLUSTRATION BY PAMELA HOBBS +

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THE SHARPER IMAGE

BY THOMAS G. DONLAN

In January 1987, television broadcasters tried to rent a monster called HDTV to do a little dirty work. Then they were surprised when the monster would not go back into its cage.

The broadcasters were trying to head off a power play against them at the Federal Communications Commission. The people who make and sell beepers, pagers, and portable telephones wanted the FCC to give them more room on the airwaves for their services. They wanted to use several channels of the UHF band allocated to television broadcasting.

Broadcasters could not deny that cellular mobile telephones were becoming extremely popular and would soon need more channels to meet consumer demand. They could not deny that pocket pagers were extremely popular and would also need more channels. They could not deny that a single UHF television channel could provide bandwidth for hundreds of telephone or pager channels. And they could not deny that UHF television was a marginal business at best, long overshadowed by network television and recently by cable channels.

Since these things were undeniable, the National Association of Broadcasters—which consists mostly of independent stations and network affiliates broadcasting on UHF channels—had to find a way to obscure them. The NAB's answer was to show that the broadcast industry needed to save those unused channels for a wonderful new service that was just coming along—high-definition television, or HDTV. The association got a special FCC license to demonstrate HDTV in Washington, D.C. Broadcasts on two unused UHF channels went to receivers

installed—with a fine sensitivity for power—in the offices of the FCC and in the U.S. Capitol.

Edward Fritts, president of the NAB, proudly demonstrated the wonderful pictures and high-fidelity sound to regulators and lawmakers. If UHF channels were taken from the broadcasters, he said, that would "preclude America's broadcasters from developing HDTV as a free over-the-air service to the nation."

This monster called HDTV was effective. The NAB easily achieved its short-term objective. The raid on UHF channels died quickly. But the broadcasters had freed a monster they could not control, one that would come back to menace them—worse, to compete with them. The HDTV picture is remarkably sharp. Its superiority to conventional television pictures is obvious and makes people say, "Where can I get one of those and how much is it?" That is what congressmen were saying as they walked away from the NAB demonstration.

But the congressmen learned that this new technology, with all its appeal, with all its promise to revolutionize television the way color TV did in the '50s and '60s and the way videotape machines did in the '70s and '80s, was MADE IN JAPAN. It was a 100-percent Japanese product, developed by NHK (Nippon Hoso Kaisha), the Japanese National Television network. Notwithstanding Fritts's promise, U.S. researchers were still in the labs and showed no signs of emerging with a product to sell.

The congressmen learned that this new technology, with all its appeal, with all its promise to revolutionize television, was MADE IN JAPAN.

This was in 1987, when the trade deficit with Japan was reaching new heights, and the power of the trade deficit as a political issue was growing proportionately. Two years of driving down the dollar under Treasury Secretary James Baker had done little to increase American exports or decrease American imports. Many Democrats were trying on campaign positions with a protectionist style. The time demanded the question: Why is the U.S. electronics industry ignoring this great new business?

Over the next few years, high-definition television became a practical economic issue and, to some, a symbol of the decline of the United States. It is one focus of the great national debate about industrial policy—the idea that the government should intervene in business to keep the economy strong. HDTV is also a focus of the national debate about competitiveness.

Why all the fuss about a new way of looking at soap operas? Because HDTV is more than just a TV set. HDTV technologies are the most important computer, communications, and electronic-component technologies of the '90s. HDTV systems will include major subsystems of great use in other electronics products. At home, the TV set will contain enough processing power and memory to serve as a stand-alone computer or as a node on a national information network. It will be the gateway for services ranging from videotext to movie rentals to TV telephone systems. The HDTV set can be the terminal for multimedia database systems in which moving pictures, still pictures, voice and sound data, and text data from a variety of sources can all be accessed and processed on one machine.

The tremendous potential of HDTV has invited attention from Congress and federal regulators. Rep. Edward Markey (D-Mass.), chairman of the House Telecommunications and Finance subcommittee, expressed the prevailing government attitude when he held the first congressional hearing on HDTV in 1987. "If we do not get a handle on where we as a nation are going with this technology, by 1990 or 1991 the marketplace will take care of it for us," Markey declared. "But we must recognize that the marketplace decision may not be the best decision for the American broadcast and cable industries, domestic manufacturers, or consumers....We intend on making the decisions."

Similarly, the FCC has sought to keep out the Japanese and protect special interests by replacing market decisions with its own judgment. The agency's painfully slow approach to setting standards for the new industry is stifling the emergence of HDTV in the United States. Regulatory drag may help fulfill Markey's dire prophecies about America falling behind in the development and use of this multifaceted technology.

Understanding the FCC's response to HDTV requires some familiarity with the history of U.S. broadcasting standards and technology. The broadcasting industry set up the National Television Systems Committee in 1940 to establish technical standards for black-and-white television in the United States. For reasons that seemed good to engineers at the time, it established that U.S. television stations would broadcast an amplitude modulation (AM) signal, like the radio signals of the day, on a channel that would be six megahertz wide. (Translation: Broadcasters would send a radio signal vibrating at the rate of 6 million waves per second, and information would be conveyed by the size of the waves.)

As with the movies of the day, the picture would be four units wide by three units high. It would be composed of 525 scanning lines per frame, with 42 lines blanked out for separation, leaving 483 lines of picture information. Each line would contain 440 dots.

In the early 1950s, another National Television Systems

Committee agreed to add color to the broadcast signal without increasing the bandwidth or changing existing black-and-white sets in any way. Broadcasters did this by coding additional information on the existing signal in a technique developed by RCA called subcarrier modulation. Drawbacks, which you may have noticed on your own TV, included a loss of brightness on black-and-white sets, an annoying tendency for bright colors to produce ghost images, and interference with the sound. As television became a worldwide medium, the Japanese adopted the NTSC standard whole; the Europeans changed one feature, choosing a 625-line frame and getting a slightly sharper picture.

As we sit and watch our favorite shows, we don't notice the flaws in NTSC television. We have been conditioned since childhood to accept them. Some of us, in fact, feel that programs made on videotape are more "real" than the objectively higher-quality pictures made originally on film. We have learned that live TV "looks like that," and live TV is what's happening. But anyone who has tried to follow a hockey game on TV knows that television pictures do not handle fast-moving images well. The picture is also sensitive to interference, which produces ghosts, flicker, distortions, and false colors. We live with it all, because we don't know any better.

Another flaw is historic. The four-by-three screen is no longer the movie industry standard. Wide-screen movies came in about 1955. So when a movie is adapted for TV, the wide image is either chopped off at the edges or scrunched together like an accordion, or a little of both. To see the wide image, try renting a recent Woody Allen movie on videotape. Allen refuses to allow chopping or scrunching, so his movies come with big black stripes at the top and bottom. The remaining picture has the proportions of the wide screen.

Other flaws are easiest to see on a big-screen set. When the TV picture is enlarged for a 50-inch screen (the kind you find in sports bars), the picture elements—the dots that make up the picture, called "pixels" for short—grow bigger in proportion. To appreciate the big screen, you must sit proportionately farther from it, until its apparent size is back down to the apparent size of a home TV screen when viewed from 6 to 10 feet away. Sitting close to a big-screen NTSC set makes most viewers feel that the image is dissolving into a moving swirl of dots.

HDTV promises to make TV pictures as crisp as the movies. At NHK in Japan, designers began working on HDTV in the early '70s. They concluded that they needed more than 1,000 lines per frame to come acceptably close to the resolution of contemporary 35-mm movie film. They selected 1,125 lines and chose picture dimensions of 5.3 units wide by 3 units high—close to contemporary wide-screen proportions.

The NHK studio system, which was ready by the mid-'80s, requires about 30 megahertz per HDTV channel, the equivalent of five NTSC channels. Using a signal compression system called MUSE (Multiple SubNyquist Sampling Encoding), however, it can be crammed into 8.4 megahertz at some cost in sharpness and realistic portrayal of images in motion.

The NHK studio system has been used to make movies, television programs, and commercials in the United States, Canada, Japan, and Western Europe. Sony sells cameras, monitors, and tape machines using the NHK system.

In the United States, at least nine competing versions of broadcast HDTV emerged, and in 1988 the FCC appointed a panel of 34 experts, drawn from the government and the production, cable, broadcasting, and engineering industries, to study and evaluate them—to pick the one standard that the U.S. government would allow broadcasters to adopt.

The advisory committee and the FCC agreed that they would not choose the *best* HDTV standard. Rather, they would pick the best HDTV standard that could be broadcast compatibly with the NTSC system. This approach is analogous to what was done when color TV was introduced: The HDTV television system that the advisory committee chooses *must* include an NTSC signal that conventional televisions can receive.

The exercise is going nowhere, slowly. In March 1990, two years after the advisory committee was formed, FCC Chairman Alfred Sikes announced that the agency will boldly push for fast adoption of a technical standard for HDTV broadcasting—in the second quarter of 1993. The advisory committee members agreed that would be pretty tough, but they accepted Sikes's admonishment to finish their testing and advising by September 1992. They all congratulated one another on their bravery, determination, and efficiency.

"We don't want to hold up HDTV," Sikes said. "We want to avoid endless legal proceedings in the midst of a dynamic market development." Amazingly, nobody laughed. Holding up HDTV is the purpose of the entire exercise. Sikes and the members of the advisory committee are involved in a government-sponsored conspiracy in restraint of trade. They have combined to assure the exclusion of the NHK system from the American broadcast market.

Why? The FCC is like most regulatory bodies; it has become a defender of the interests it regulates. In this case, the FCC is defending local broadcasters and trying to make sure they can compete on an equal technological footing with cable, tape, and satellite television.

Letting the industry adopt the NHK system right away is a practical solution to every interest except that of the local broadcasters (although that system may later be superseded by more flexible, higher-quality digital systems). Nationwide network programming, such as CBS or HBO, is now carried on communications satellites. The satellites could just as easily deliver HDTV programs to the 85 percent of homes that can receive cable; anybody else could stick a dish on the roof. But local broadcasters would be stuck with second-class pictures, and probably second-class programming. They might even lose their access to cable, if cable operators had to kick something off the system to make room for HDTV.

Joseph Flaherty of CBS put the issue this way: "A terrestrial HDTV broadcast system must be devised to maintain the American system of broadcasting....Terrestrial broadcasters need to

deliver a quality of picture and sound that is competitive with other media delivery systems. Anything less than this basic principle will be detrimental to terrestrial broadcasters and the public we serve....A failure to provide sufficient radio frequency spectrum for the terrestrial broadcaster could put terrestrial broadcasting in a position of irreversible inferiority."

Analysis of Flaherty's sentiments shows that he carefully equates the public and the American way of life with broadcast interests. That's understandable for a representative of broadcast interests, but members of the public ought to ask whether their happiness depends on the continued profitability of local television stations.

Many local broadcasters paid big bucks for their licenses during the '80s, a period of frenzied trading of broadcast properties. Some of them are big media conglomerates that own newspapers. All of them are politically powerful. The FCC is afraid to tell them to take a hike. Zenith Chairman Gary Pearlman was honest about it: "In my view, there's no way we are not going to protect the terrestrial broadcaster, because he's the guy who gives free news coverage to the politician."

FCC commissioners and staff echo the pap from the National Association of Broadcasters about Americans' "right" to receive free broadcasts and about the local stations' devotion to local news and public service. Consumers should be glad the FCC at least rejected the broadcasters' most outrageous suggestion: NBC President Robert C. Wright urged that FCC rules be extended to ban incompatible HDTV cable and tape systems as well.

In June 1988, Rep. Markey took testimony from the chief executives of the three major networks. Wright, CBS President Laurence A. Tisch, and Thomas S. Murphy, chairman of Capital Cities/ABC, came out foursquare for preserving the current system, describing it as a hometown, mom-and-apple-pie service.

Congress agreed with the networks that broadcasters had to be protected. "This is clearly an issue... that cannot be left to some invisible hand," Rep. Edward Markey declared.

Murphy declared: "Local broadcasting is unique, both in its ability to respond to local issues and local community needs and in its ability to provide the public with diverse national and local entertainment, news and sports."

Said Tisch: "The public should not have to bear the risk that HDTV would not become fully available to the local broadcasters and networks who have made the investment and built our system of free over-the-air broadcasting."

Wright made the best plea: "Broadcasters and the FCC have a responsibility to protect the 140 million sets currently in use, representing a consumer investment of approximately $70 billion [that's $500 per set]. Second, if we are concerned about free over-the-air television and its role in serving the needs of the American public, then broadcasters must be able to respond swiftly to the arrival of advanced television, as rapidly as their competitors in rival media."

Never was a question more strongly begged: What if we are not concerned about free over-the-air local television? What if we cannot think of any local program we like? What if we think our local cable companies, with several channels of local news, local government coverage, and local entertainment, are already doing a far better and far more localized job than the broadcasters?

Rep. James Cooper (D-Tenn.) put some of those questions on the table: "I am worried that what we are seeing on this panel are three very large, very powerful dinosaurs who are protecting their feeding grounds. It worries me very much that due to your vested interests and a very narrow channel bandwidth that you are willing and interested to do virtually everything within your considerable power to slow the access of the American consumer to this magnificent new technology."

Wright denied the charge, asserting that networks could easily survive. The network sends its signal to satellites and need not care how it's received or relayed. This response, while true, overlooked a fundamental secret of network economics. In most years, ABC, CBS, and NBC make more profit from their owned-and-operated stations than they do from their networks. Their interests are in large part the same as those of the independent broadcasters.

Wright added that he and his fellow network executives were defending "the portions of the public who do not have access to that hard [cable] wire, who have chosen not to spend the money" —which sounds as if he wanted the congressman to believe he cares about people who can't afford to buy the products advertised on his network. "If the statement is that we are desperately trying to preserve the ability of that noncable customer to receive an adequate and technologically acceptable picture, then we will plead guilty to that."

Cooper, who said many of his constituents in the hills of Tennessee have satellite dishes, translated. The view of the networks, as he put it, is: "Don't let the consumer vote with his pocketbook, because he might put us out of business."

Tisch weighed in with the warning that Cooper was heading down the road to universal pay TV, but Cooper's cross-questioning produced this frank concession: "We're here to preserve free television because we do preserve shareholder value through the medium of free television."

Markey, however, didn't buy Cooper's argument. "This is clearly an issue that cannot just be left to chance, that cannot be left to some invisible hand to resolve. This is clearly a case

where the government has to work closely with the leaders of our private industry to achieve the goals which we establish, which I believe at heart include the maintenance of the over-the-air free broadcasting system in this country."

There is a close historical comparison, in radio, to the HDTV issue. The FCC acted more wisely in guiding the transition from AM radio to FM radio. It accepted industry standards for FM broadcast, and later for FM stereo, without much worry over the damage that would be done to owners of AM stations. The commissioners probably didn't expect FM broadcasters to offer such attractive programming in the higher-fidelity format: The whole baby boom generation abandoned Cousin Brucie and Murray the K for the better sound of album rock stations. Would the FCC of the '60s have openly allowed the financial damage that was done to AM station owners?

Certainly, today's FCC would not do so. With its interminable technical evaluation, the FCC has decided to reinvent the wheel, and it's trying to evaluate competing technical proposals—for wheels with wire spokes, wheels with steel spokes, wheels with no spokes, wheels with disc brakes, wheels with drum brakes, wheels with large tires, wheels with soft tires, you name it. The idea is that the longer this process takes, the better the chance that an American wheel will outperform the Japanese wheel.

Advocates of the FCC approach might cite the emergence of digital systems as evidence that the strategy is working: On the last day for filing HDTV proposals at the FCC, New York City–based General Instrument Corp. unveiled a surprise entry: an all-digital system based on the video-scrambling devices G.I. had invented for HBO and other cable TV channels. "If you had digital NTSC, you'd think it was HDTV because the clean digital signal makes so much difference," said Larry Dunham of General Instrument. "For HDTV, you should digitize at the camera and never go back to analog until you reach the picture tube." Digital TV is still several years behind the NHK system in development, but G.I.'s announcement spurred other companies to quickly produce their own versions. Within a few months of the General Instrument announcement, digital television went from pie-in-the-sky to state-of-the-art.

Arguing that the promise of digital systems justifies the FCC's delays is misguided, however. During the standard-setting process, no business, Japanese or American, is likely to take a chance on an HDTV system for cable or tape or satellite that could be made obsolete by an order of the FCC. Thus, while the process goes on, local broadcasters are safe from competition.

It looks like the process will go on for quite some time. The advisory committee is constructing a lab in Alexandria, Virginia, to do exhaustive engineering tests of HDTV systems. It plans to drag a whole lot of people into an auditorium at the lab and play all the types of HDTV at them, asking which one they like the best. The testing, of course, has to be set up so as not to favor one system over the others by some technical accident.

There is precedent for this foot dragging. More than 20 years ago, AT&T's Bell Labs brought a new technology called cellular mobile telephony to the FCC for approval. It took the FCC more than 10 years to decide to test the new technology, four more years to run the test and evaluate it, two more years to decide how to allocate part of the precious radio spectrum, two more years to award the first licenses for big cities, and three more years to award licenses in smaller cities and rural areas. The popularity and the potential market for cellular telephones was never in dispute. The only issue was whether the FCC would let the telephone company dominate the market.

HDTV presents much the same issue, and it's being decided much the same way. Today, instead of being frightened of Ma Bell's monopoly, the FCC is frightened of Japan Inc. and of communications media—cable, direct broadcast satellite, and videocassettes—the commission does not control. Once again, the commission is determined to protect a narrow slice of American business interests at the expense of a great many American consumers.

There is no question that the American public will buy better home entertainment systems as soon as they are available. There is no question that the people who sell them, and the people who produce the programs, and the people who advertise on the new medium will be serving a huge market. The only issue is who those people will be.

The FCC has decided that those people will be today's local broadcasters. Them, or nobody. The FCC is working against the interests of American consumers in favor of those few individuals and corporations that own television stations. Is this regulation in the public interest?

The FCC should boot the whole HDTV issue out onto M Street. Let the proponents settle their differences themselves, if they can. Let them hire a hall and lock themselves in until they agree on one standard. Once a similar process got started in cellular telephone licensing, it didn't take more than a couple of months.

But if they cannot agree, let them invite the top executives of trade associations of broadcasters, cable system operators, videotape renters, TV producers, and so forth to view the systems. If the trade associations cannot agree, let them write the names of the competitors on slips of paper and draw one from a hat. And if that won't do, the U.S. electronics industry will have to let the Japanese have the business.

The thought sends chills down the spines of Ed Markey and other advocates of industrial policy. In 1987, he warned: "Either we put the government and labor and the electronics industry and the universities together today, and we put together a policy and we understand what our strategy is, or we are going to go down the same road that we have gone with automobiles and VCRs and every other consumer product." That road leads to a wide selection of high-quality products at low prices. What's so bad about that? ■

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SLAUGHTER ALLEY

BY RAOUL LOWERY CONTRERAS

He lay hidden by the foliage of the highway median, inches from help, paralyzed after being struck by a hit-and-run car, watching helplessly for three days and nights as thousands of cars sped northward toward Los Angeles from San Diego. When finally discovered, he was rushed to a La Jolla hospital, where he told doctors how he sipped water from freeway sprinklers to stay alive. He will survive, though probably crippled for life. He was lucky.

This illegal entrant to the United States is one of almost 250 men, women, and children, mostly Mexican, struck by automobiles on Interstate 5 in San Diego County during the last two years. Half of those struck died on impact. The youngest killed was 3, the oldest an 82-year-old trying to reach his family in Los Angeles.

The eight-lane Interstate 5 starts at the Mexican border to the south and ends at the Canadian border to the north, passing through San Diego, Orange County, and Los Angeles, places with hundreds of thousands of illegals from Mexico, El Salvador, Guatemala, and practically every country south of the Rio Grande. American border officials estimate that as many as 5,000 people illegally cross the border from Tijuana into San Diego each night. When they successfully elude the 50 or so on-duty border patrolmen stretched thinly along 20 miles of unfenced border, they have several options. For example, they can make their way into San Diego proper to stay and work, or they can move north toward job-rich Orange County and Los Angeles.

To do so, illegals must pass through 50 miles of San Diego, the nation's sixth largest city, and its northern suburbs, then face 20 miles of military base and thousands of training and maneuvering U.S. Marines. On the northern edge of the sprawling Camp Pendleton Marine Base, they face the final obstacle before they enter Orange County and adjoining Los Angeles. It's a fully staffed U.S. Border Patrol inspection stop, the San Clemente Checkpoint, through which every northbound vehicle must pass.

Most illegals are easily spotted by manner of dress, haircuts, and language ability; border patrolmen arrested 75,000 of them last year as they attempted to get through the checkpoint driving stolen vehicles, riding as car passengers, or hiding in car trunks, above false truck ceilings, beneath floors, or behind side panels.

To avoid detection, smugglers—who charge a minimum of $350 for passage to Los Angeles—often drop off their passengers near the San Clemente Checkpoint, instructing them to cross the interstate on foot to the ocean side, where they can walk northward past the checkpoint. Once past it, they are to cross the highway eastward so they can rejoin their smugglers, usually called *coyotes*, for the 30-mile ride to Los Angeles. Of 65 pedestrians struck by fast-moving cars in this area during the past two years, 40 have died, killed as they ran across I-5 after being dropped off by coyotes within sight of the checkpoint.

Some illegal entrants take less dangerous routes. For example, they make their way from the border to downtown San Diego, then scramble aboard northbound freight trains, hoping to reach Los Angeles by rail. Hundreds of illegals can be seen running from hiding places in trash dumpsters, buildings, and trackside foliage to jump into freight cars when the trains slow down as they pass through urban rail crossings. When manpower is available, the Border Patrol stops and searches trains after they leave San Diego. Normally, however, personnel shortages prevent the Border Patrol from searching each train, so hundreds of illegal entrants reach Los Angeles by this route each night. The freight-train method, however, is mainly for young men traveling alone.

A more expensive variation on this strategy involves elaborate preparation. For $5,000, sophisticated coyotes will train their clients in San Diego safehouses to walk and dress like preppy, well-to-do Americans of Mexican descent. They teach them English through a two-week total-immersion course. Diplomas are in the form of false birth certificates, driver's licenses, and Social Security cards.

An $8.00 taxi ride to the San Diego

airport and a one-way plane ticket to Los Angeles, San Francisco, Chicago, Washington, D.C., or Jobtown, USA, complete the package. Graduates then have to avoid arousing the suspicion of a dozen undercover Border Patrol and immigration agents regularly stationed at the airport. When their planes take off, they've made it. Summa cum laude, so to speak. But most entrants cannot afford the tuition.

In any event, the vehicular slaughter in the vicinity of the San Clemente Checkpoint pales in comparison with that 60 miles to the south, in the area where Interstate 5 and Interstate 805 split just north of the border. Of 162 people struck by cars in that zone during the last two years, 87 have been killed. These two highways are a dozen lanes of fast-moving traffic separating illegals from northbound transportation and the safety of residential areas. The few culverts and bridges crossing under the wide concrete expanse are usually well guarded by border patrolmen and/or local police. So the illegals must cross the highways on foot.

Some observers speculate that most of those killed are Indians from Southern Mexico who cannot conceptualize cars traveling at 70 or 80 miles per hour. Others suggest that many are exhausted by middle-of-the-night border crossings and their struggle to elude border patrolmen and violent border bandits—mostly renegade Mexicans—and that this exhaustion simply slows their reflexes. In this race, to lose is to die.

Both explanations are probably right. Another factor is the use of interstate median strips for protection from border patrolmen. Some of those killed have been illegals who simply sat in the median areas during daylight, awaiting the cover of night. On a typical afternoon, motorists can see more illegals than they can count in the Interstate 5 median strip within two or three miles of the border. When a Border Patrol vehicle stops, the illegals simply jump over the three-foot-high concrete median wall to watch.

Sometimes they even taunt helpless border patrolmen. Randy Williamson, a recently retired patrolman, says the border guards are under strict orders not to chase illegals on freeways and interstates. Since these orders are common knowledge, illegals use the median strips as sanctuaries. Williamson speculates that the government is afraid that the injury or death of an illegal struck while being chased afoot on a busy highway would generate expensive lawsuits by survivors and family members.

Efforts to alleviate the I-5 pedestrian slaughter, the heaviest of any highway in the United States, include signs with blinking yellow lights that warn motorists to watch for people on the road. A public/private task force has suggested several other measures, some of which have been implemented. In Tijuana, U.S. officials have begun distributing small prayer cards printed with U.S. tax dollars that warn in Spanish, "For the love of God, don't cross the highways!" CalTrans, the California Department of Transportation, is printing 500,000 flyers for enclosure in San Diego utility bills with various messages in Spanish and English suggesting slower speeds in the killing zones. The flyers include maps indicating the locations of the zones and pictures of the "Watch for People" highway signs.

Almost 250 men, women, and children, mostly Mexican, have been struck by cars on Interstate 5 in San Diego County during the last two years. Half of those struck died on impact. The youngest killed was 3, the oldest an 82-year-old trying to reach his family in Los Angeles.

The final and most expensive solution proposed by the task force is a multimillion-dollar fence to be constructed along stretches of the I-5 median. The fence—7 to 10 feet high and made of chain links too small for footholds—is intended to discourage people from crossing the highways. But it may just force illegals to walk around the new barrier, with the result that they will be even more tired and less alert when they cross the highway.

Regardless of the solutions proposed by government task forces, the slaughter will probably continue. I'll never forget the experience of driving north from the border at night, picking up speed, heading home after a pleasant social event in Tijuana—and then freezing at the sight of a dozen people dashing across the road in front of my car. I pulled over, hyperventilating, with the memory of people inches away from being struck by my car at 70 miles an hour.

Yet a small piece of paper can save these lives and spare innocent motorists the horror of accidentally killing men, women, and children. A work permit issued by the U.S. government would legalize those coming to the United States for honest employment. A work permit would allow entrants from Mexico to behave like normal people trying to make a living, instead of like criminals, victimized by bandits on the one hand and prison or deportation on the other. It's been done before. An agreement with Mexico in 1944 provided all the farm workers needed in America for two decades. But in 1965 the Johnson administration, under pressure from labor unions, allowed the treaty to expire.

As long as the U.S. government stands between determined people and the jobs they seek, residents of Southern California will continue to read reports like this one in their newspapers: "A Mexican woman was struck by a car and killed while crossing the freeway near the U.S. border Friday night, police said. The driver of the car, a 27-year-old man, was not injured. No charges were filed."

"The driver was not injured...."

Raoul Lowery Contreras is a syndicated columnist based in San Diego.

ECO-LOGIC

BY MARTIN MORSE WOOSTER

In many ways, the world view of the environmentalist resembles that of the anticommunist of the 1950s. Both see the world dominated by a twilight struggle between the forces of light and the forces of darkness. Both contend that a defeat for our side, however remote the location (the South China Sea, the harbors of Alaska), moves the world one step closer to global apocalypse. Both believe in the Manichean notion that those who aren't with us are against us.

But most Americans aren't Manicheans. Most of us are too busy making a living and raising a family to worry about the fate of the earth. In many ways, environmentalism is a luxury for those with enough time and wealth to be green. The only poor environmentalists are those who freely choose to live with low incomes.

Most of the major environmental questions on the ballots last November failed because environmentalists forgot their roots. Most environmental organizations are based in New York, Washington, and San Francisco and are staffed by people who moved to those cities to flee their past. The green groups forgot that most voters are primarily concerned with issues that directly affect their lives. The Republicans were able to use the Willie Horton case to their advantage in 1988, for example, not because voters are dupes easily swayed by a slick media campaign, but because violent, random crime is a problem that most Americans worry about.

But the environmental movement, instead of focusing on concerns that are of immediate consequence to most families (safe neighborhoods, good schools, taxes), stresses risks that are increasingly small and disasters that, if they occur, will happen in the distant future. Most voters will support actions that result in higher prices and a reduced selection of goods only if these actions produce substantial benefits. Moreover, few voters will voluntarily support tax increases. The only Americans who complain about being undertaxed are those, such as the heads of environmental organizations and columnist George Will, who have six-figure salaries and can easily afford reductions in disposable income.

But environmentalists, faced with their defeats, haven't criticized themselves. Instead, they tend to blame malign, uncontrollable forces.

Thus Merritt Clifton, in the January/February *Animals' Agenda*, surveys the November elections and concludes that the voters who rejected "Big Green" in California and tossed out similar referenda in New York, Washington, Oregon, Missouri, and elsewhere did so because of "the spending power of polluting and exploitive industries."

Clifton searches for capitalist plots with a misguided vigor similar to that of an earlier generation of fanatics who hunted for communist plots. For example, the voters of Telluride, Colorado, resoundingly defeated a proposal to ban fur. The bill lost, says Clifton, because "of massive opposition from the fur trade, whose mailings portrayed it as an attack upon Constitutional rights (even though the U.S. Constitution does not in any way guarantee freedom of commerce)."

One wonders if Clifton has ever heard of the Interstate Commerce Clause, the Ninth Amendment, or the Contract Clause. Perhaps he believes that the U.S. Constitution, like the Soviet one, is founded on the rule that everything not permitted is forbidden. But his argument shows one of the many annoying tendencies of environmentalists—a hostility to capitalism and free trade.

An article by David Morris in the March/April *Utne Reader* reflects that hostility. Morris argues that to save the planet, environmentalists should embrace protectionism.

Morris says free trade in recent years has been replaced by "a radical reinterpretation...laissez faire economics on a global scale, and the abolition of virtually any government regulatory or planning authority." Free traders, he believes, are tools of "planetary corporations," which "pledge allegiance to no flag." "Would it be too provincial to call these people 'free traitors'?" he asks.

Morris's antitrade case is weak and unconvincing. He attacks American ef-

BOB ECKSTEIN

forts to force Japan to repeal its law prohibiting grocery stores from forming chains or expanding beyond the size of a 7-Eleven. Japan is right to ban the supermarket, says Morris, because this measure protects "neighborhood stores from ruination by shopping malls." European efforts to use environmental standards as trade barriers, such as Denmark's requirement that all liquids be sold in refillable bottles (a decision overturned by the European Court of Justice as anticompetitive), are, in Morris's eyes, sound and necessary ways to combat corporate globalism.

Imagine if we adopted Morris's standards. Suppose the Environmental Protection Agency decided to ban all supermarkets and insisted that products made in other countries either meet American environmental regulations or be subject to high tariffs. This thought experiment is remarkably easy to conduct, because areas resembling Morris's dream already exist. They are America's ghettos.

No, the rich wouldn't have to worry in the brave new world of the ecological protectionist; as David Frum points out in the February *American Spectator*, the major losers in any protectionist scheme aren't the wealthy but the poor, who are forced to pay brutally high prices for the necessities of life. If ecologists want to use trade as a tool to make the world green, they should fight farm subsidies, which not only encourage farmers to plant millions of acres that, in a free market, would be left in their natural state, but also give billions of dollars, francs, marks, and ECUs to corporate fat cats.

But instead of reducing government, most greens would rather expand it. The same is true of reporters. In the January/February *Quill*, syndicated columnist Warren T. Brookes examines why the press is so fascinated with the "statist quo." In a sweeping article, Brookes determines that most cries of ecodoom echoed in the news media are shallow and scientifically inaccurate. Some examples:

• America's forests aren't shrinking—they're growing. In 1952, the United States had 664 million acres of forests; in 1987, 728 million acres. Most of this growth has come in privately owned forest lands east of the Mississippi.

• The McDonald's switch from polystyrene containers to paper ones does a good deal of harm to the environment. Coated paperboard takes 50 percent more energy to produce than plastic; producing a paperboard carton results in three times as much air pollution as—and 70 percent more water pollution than—producing an equivalent polystyrene carton.

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• The Congressional Research Service found that most oil spills, including the Santa Barbara spills of the 1960s and the *Amoco Cadiz* disaster of 1978, are "relatively modest, and...of relatively short duration." Fishermen caught more salmon in Prince William Sound *after* the *Exxon Valdez* spill than before.

Why weren't these facts reported? Because it is in the interest of the press, Brookes argues, for government to be as big as possible. More regulation, he says, equals more Washington news and more jobs for reporters. Reporters covering the environment, he says, should be "endlessly skeptical" of statements from industry, the EPA, or environmental lobbies.

While Brookes's solution for environmental reporting is correct, it is likely that "green" stories in the press and on the networks favor environmental lobbies and the government simply because of laziness. Most reporters are liberal-arts majors, uncomfortable with the math-laden nuances of risk analysis. It's much easier to take the reliability of one's sources for granted (as "60 Minutes" apparently did with the Alar story) than to acquire the skills needed to show that these sources are right or wrong. Moreover, most environmental organizations are more responsive to the press than either industry or scientific institutions. If industry flacks were as competent as their counterparts in the National Audubon Society or Greenpeace, coverage would probably be more balanced.

Some environmentalists are beginning to question the need to divide the world into right-thinking people like us and troglodytic tools of industry. "We have a hard time trying to find unbiased writers," says *Garbage* editor Patricia Poore in her January/February issue, "or information untainted by a political posture." For example, Poore fired one journalist because she extensively quoted environmentalists and bureaucrats but refused to talk to manufacturers because "I know what they'd say anyway."

The "screech" of environmental zealots, says Poore, "is beginning to wear on me like the car horns in New York. Stop honking, for God's sake, and listen up."

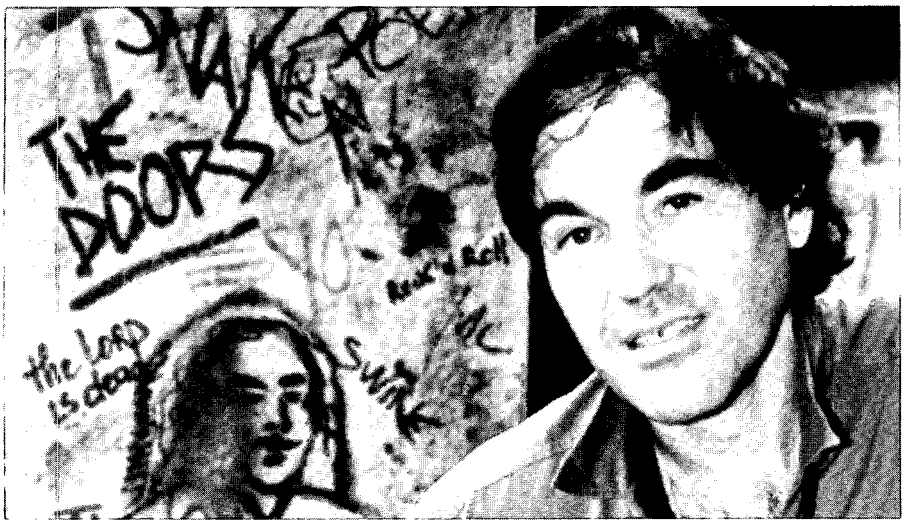
Poore's comments are refreshing and on the money. The greens should do three things if they are ever to replace political correctness with solid accomplishment. They should stop wearing hairshirts, cease the endless preaching of eco-Armageddon, and, above all, question authority. *All* authorities.

Martin Morse Wooster is Washington editor of REASON.

Reelpolitik

BY JOSEPH FARAH

The Power and the Glitter: The Hollywood-Washington Connection
By Ronald Brownstein, New York: Pantheon Books, 437 pages, $24.95



Oliver "America Has to Bleed" Stone: Why does Hollywood embrace the loony left?

Actor Alec Baldwin told a movie fan magazine that he is so disgusted with America that he sometimes lies awake at night dreaming of joining a neo-terrorist group like the Irish Republican Army or Black Panther Party to "blow up some chemical plant." He also calls President George Bush "a CIA mass murderer."

Director Oliver Stone told a serious Hollywood film publication that the only way to turn the country around is for America to get bloodied in another war. "I think America has to bleed," he told an interviewer for *American Film*. "I think the corpses have to pile up. I think American boys have to die again. Let the mothers weep and mourn." He also suggested to a *Los Angeles Times* reporter that President Bush should shoot himself because "his soul is dead."

Actress Jane Fonda praised communism before audiences in the early 1970s, posed for pictures on a North Vietnamese anti-aircraft gun, and later accused returning U.S. POWs of lying when they recounted incidents of torture and abuse at the hands of their captors.

Wild and irresponsible political statements and actions by Hollywood celebrities are nothing new. Since at least the late 1930s, when the Communist Party began to dominate the politics of the motion picture industry, it has been common to find movie stars, writers, and directors out in left field, so to speak.

But why? What is it about Hollywood that causes it to embrace the politics of the lunatic fringe? Ronald Brownstein offers a thoughtful explanation for the history of irresponsible radicalism in the entertainment industry in *The Power and the Glitter*.

"Some of the forces that led the Hollywood activists toward that fringe had been present in the film industry since its first brush with politics and remain important today," writes Brownstein. "Accustomed to relying more on emotion than analysis, artists tend to take purist positions on political and social matters. The film community's leftist activists constantly find politicians, who deal in the world of the possible, insufficiently liberal. Partly that is because Hollywood figures, like most activists, have the luxury of criticizing without the responsibility of actually making decisions. But the political extremism of the film industry activists also reflects the unique pressures of working in a creative medium that is above all a business. Compelled to compromise constantly in the making of films, Hollywood figures tend to veer toward the other extreme and become purists in politics, as a sort of psychic compensation; people in the industry have always looked to politics as an arena that allows them to demonstrate that they really have deep convictions about something, even if their artistic choices don't display them."

Insights like that make Brownstein's book a standout among the many previously published studies of Hollywood politics. Never before has one work so accurately and systematically exposed the fraud, deceit, hypocrisy, and, most of all, shallowness of the long list of celebrity activists, from Dalton Trumbo and Lillian Hellman to Martin Sheen and Daphne Zuniga.

Brownstein, a national political correspondent for the *Los Angeles Times*, bares the roots of today's strange brand of activism and assesses the need of the movie community to be taken seriously. "Living in a world of fantasy, paid extravagantly, and typically unsure exactly why they have been chosen above all contenders for such fabulous awards, movie stars often feel bewildered by and unworthy of the enormous reverence they generate," he writes.

The book begins with a look at the politics of the moguls, dissecting the little-known relationship among Louis B. Mayer, William Randolph Hearst, and President Herbert Hoover. It moves from there to perhaps the most accurate, unbiased account to date of Communist Party activity in Hollywood leading up to the blacklist era.

While citing estimates that Hollywood's party membership never rose above about 300 (mostly writers), Brownstein says that "the Communists' intensity gave them influence well beyond their ranks."

"Because the Communist Party discovered Hollywood before the Democratic Party, put more effort into organizing it, and had a message that appealed to Hollywood's sense of the dramatic, the Communists and their allies on the far left were too numerous, energetic and integral to the political community to ignore," the author writes. "In the mid-1930s the Communists were so entrenched that it was not possible to develop independent, non-Communist liberal institutions in the film community."

Anyone conducting serious research into this period of history would come to the same conclusion. But there has been an enormous amount of misinformation published that minimizes the clout of the party and the fact that the U.S. Communists were little more than tools of Soviet dictator Josef Stalin.

As evidence, Brownstein dutifully recounts the overnight transformation of Hollywood's antifascist coalitions into isolationist peace groups following the signing of the Soviet-Nazi nonaggression pact in 1939. "Politicians more sophisticated than the Hollywood liberals made the same mistake [forming united fronts with Communists] during the 1930s, but few had more difficulty extricating themselves once the alliance turned sour," Brownstein writes.

Brownstein does miss some important subtleties in his retracing of the Hollywood 10 case. In 1947, the nine writers and one director, all at least one-time party members, were called before the House Committee on Un-American Activities to testify about Communist activities in Hollywood. All were jailed for contempt of Congress when they refused to discuss their party membership. The author suggests that the group ruled out pleading the Fifth Amendment or acknowledging party membership because both strategies would have resulted in professional suicide.

But there is one more little-known but important reason the group couldn't take either action collectively. John Howard Lawson, the commissar of the Hollywood Communists and one of the 10, had previously testified before a California legislative investigative committee that he wasn't a party member. Any contradictory testimony before the House committee would, of course, have resulted in a perjury charge, since the congressional probers had proof of his membership.

"The elimination of the Communist Party ultimately strengthened the left in Hollywood... by steering it back toward the political mainstream [and] by branding the right with responsibility for the purge's mean-spirited vindictiveness."

Brownstein is occasionally too soft on the Hollywood Communists, who first instituted the blacklisting practice as a means of placing party members in strategic areas of the movie business. He suggests, for instance, that "the price paid by the Hollywood Communists greatly exceeded their sins; they were punished for treason when they were guilty only of misplaced belief."

Not quite right. In fact, a serious analysis of the work habits of the key players in the debate indicates that those who suffered most in the wake of the committee hearings were the friendly, anticommunist witnesses—many of whom never worked another day in Hollywood.

However, Brownstein hits far more often than he misses in both his reporting and his conclusions. He writes, for instance, that "the elimination of the Communist Party ultimately strengthened the left in Hollywood—not only by steering it back toward the political mainstream where it could have the most impact, but by branding the right with responsibility for the purge's mean-spirited personal vindictiveness. The inquisition would be a victory from which Hollywood conservatives never quite recovered."

The Hollywood left learned 25 years later that its real clout came from its ability to use celebrity to raise tremendous amounts of money and publicity. Stunned in 1980 by the election of one of its own as president, Hollywood set out to undermine Ronald Reagan and everything for which he stood.

"Though he emboldened Republicans and encouraged political activity on both sides, Reagan's lasting impact was to reinvigorate the Hollywood left after the torpor of the Carter administration," writes Brownstein. "In their eagerness to combat Reagan...the Hollywood liberals launched a wave of organization building more vigorous than anything seen since the 1940s, when Reagan himself trooped to meetings of the Hollywood Democratic Committee."

Brownstein details the formation of Norman Lear's People for the American Way and dozens of other groups that sprang up in response to the Reagan political agenda. Sadly, he doesn't deal at all with the way people like Lear exert the bulk of their influence—through the content of their programming. Shows like "All in the Family" and "Maude" may ultimately do much more to alter the nation's political and cultural climate than all of Hollywood's lobbying and fund-raising groups put together. But perhaps that is another book for another time.

Occasionally, Brownstein is too charitable in assessing today's Hollywood activists. He portrays Robert Redford as thoughtful, cautious, responsible, and politically astute. Perhaps the

author is unaware of Redford's fascination with and support for Fidel Castro and other Latin American dictators.

For years, Redford, Oliver Stone, Francis Ford Coppola, George Lucas, and others in Hollywood have been underwriting Castro's International Film School in Havana with cash, equipment, and personal appearances. The report in *The New Republic* last year exposing the school as nothing more than a propaganda arm of Castro's police state must have eluded Brownstein's attention.

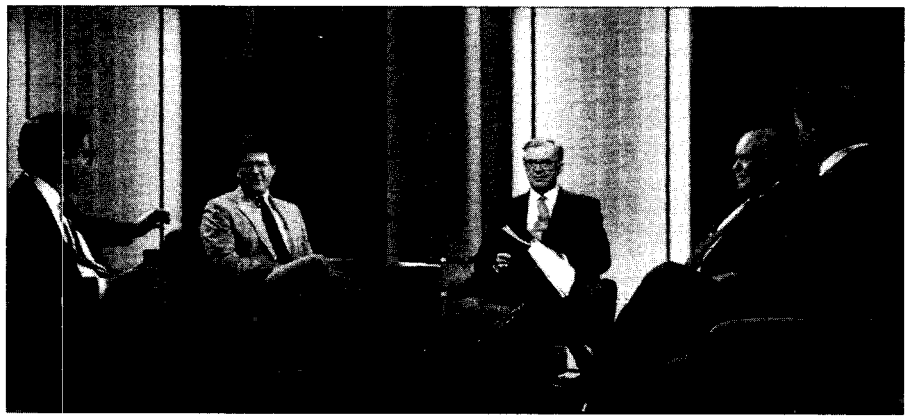
But, on balance, *The Power and the Glitter* goes further than any book to date in advancing the debate on the proper role of celebrities and image makers in the political process.

Joseph Farah is editor of the Sacramento Union *and founder of* Between the Lines, *a biweekly publication covering the politics of the news media and the entertainment industry.*

Yakkety Yak

BY RICK HENDERSON

Talking Heads: Political Talk Shows and Their Star Pundits
By Alan Hirsch, New York: St. Martin's Press, 218 pages, $17.95



"The McLaughlin Group": political debate that resembles professional wrestling

Last summer I appeared as a panelist on John McLaughlin's CNBC talk show. After the show, several friends asked me how McLaughlin *really* was. I said, "He's a genuinely pleasant fellow, even though he yells a lot."

And John McLaughlin's yelling, as much as anything else, has irritated Beltway-area attorney Alan Hirsch to such an extent that he wrote *Talking Heads: Political Talk Shows and Their Star Pundits*. While he provides interesting background on the history of talk shows and biographies of several of today's stars, Hirsch arrives at disappointing conclusions. He ends up calling for laws (that's right) to protect the democratic process from being overwhelmed by scores of John McLaughlin (or Sam Donaldson) clones. He also mars his analysis with left-wing catchphrases and elitist clichés. Ultimately his criticisms boil down to: We should get rid of these shows because I don't like them.

Political talk shows—what Hirsch calls "television's op-ed page"—have been around since the 1950s. Most of the early entries were newsmaker shows like "Meet the Press" or "Face the Nation." Hirsch correctly notes that few of the bureaucrats and elected officials who appear as "newsmakers" actually say anything earthshaking on the air; so he concentrates on the shows with commentators who can provide insight while being insulated from the potential wrath of voters.

Hirsch is a fairly successful historian and biographer. He studies his subjects well and interviews many of them. Readers who know the pundits only from their television appearances might not know, for example, that Carl Rowan was ambassador to Finland, that Robert "Prince of Darkness" Novak is a highly regarded political historian, or that Sam Donaldson briefly sold insurance. (Well, the *briefly* part isn't surprising.)

But if you want the history, you have to wade through a lot of ideological muck. For example, Hirsch focuses on six shows: "Firing Line"; "Agronsky and Company/Inside Washington"; "The McLaughlin Group"; "The Capital Gang"; "Crossfire"; and "This Week With David Brinkley." He leaves out "The MacNeil/Lehrer News Hour" and "Nightline" because, he says, they're basically newsmaker shows. Perhaps. But he also excludes "Washington Week in Review" because "the journalists report what has transpired on their beat while generally keeping their political views to themselves."

Excuse me? "Washington Week" is little more than a mutual admiration society for Beltway liberals. Routinely, soporific host Paul Duke leads a "discussion" about some social problem that demands *federal action now*. Quite often one panelist is a skillful analyst—Hedrick Smith, Juan Williams, and Thomas Friedman regularly appear—but their insights get lost in the wails for more government power.

Yet there are better round tables than "Washington Week" for political junkies. "Agronsky and Company," the first show to present a group of pundits commenting rapid-fire on the issues of the week, introduced television viewers to George Will. Will had developed a strong following with his syndicated newspaper column but didn't achieve stardom until Martin Agronsky gave him a weekly forum.

Hirsch explains what made Will special: Unlike the other "Agronsky" panelists, Will's "sentences not only parsed, but joined to form pretty paragraphs. His vocabulary was refined, and he sometimes spiced his remarks with a brief anecdote or appropriate quotation." The newspaper pundit became the politi-

LOUIS MYRE PHOTOGRAPHY

cal philosopher of the airwaves. While Will now stars on the Brinkley show, "Inside Washington" has another in-house star, Charles Krauthammer.

"Agronsky" inspired "The McLaughlin Group" and "Crossfire." But the pioneering show has had its critics. As an example, Hirsch cites a 1981 Michael Kinsley piece from *The New Republic* titled "Jerkofsky and Company," a bogus transcript featuring panelists Hugh Sidewall (whom Marvin Jerkofsky asks, "Hugh, do you have any brains left at all?"), George III (who reels off a string of centuries-old quotations), and Jack Curmudgeon ("Harrumph. Balderdash. Poppycock. Horsefeathers. Et cetera.").

While Kinsley certainly hit his mark, he couldn't get away with such a parody today: As the co-host of "Crossfire," Kinsley occasionally resembles a cartoon character himself.

Hirsch saves his deadliest venom for "The McLaughlin Group." It's unsophisticated, shallow, and too fast, he complains. The journalists who participate "take part in pointless catfights." And worst of all: It's *harmful* to political debate.

As a fan of "The McLaughlin Group" (it's my favorite round table), I recognize its shortcomings. It does have a very narrow focus and a brief shelf life. Yet it's great TV. Hirsch compares the show to a professional wrestling match, with the panelists portraying designated good guys and villains. But that's the fun of it.

And the regular panelists actually contribute more to the evaluation of issues than, say, "Crossfire," which simply frames every controversy in a left-right dichotomy. The Group's viewers know that Pat Buchanan will provide thoughtful, but highly partisan, commentary; Fred Barnes will attack the Wimps on the Left; Jack Germond, unlike most liberals these days, will champion government social programs *and* civil-liberties issues such as drug legalization; Mort Kondracke will somehow find a middle ground. And John McLaughlin will yell.

But Hirsch has his own solutions to undignified displays such as those on "The McLaughlin Group": "There is no

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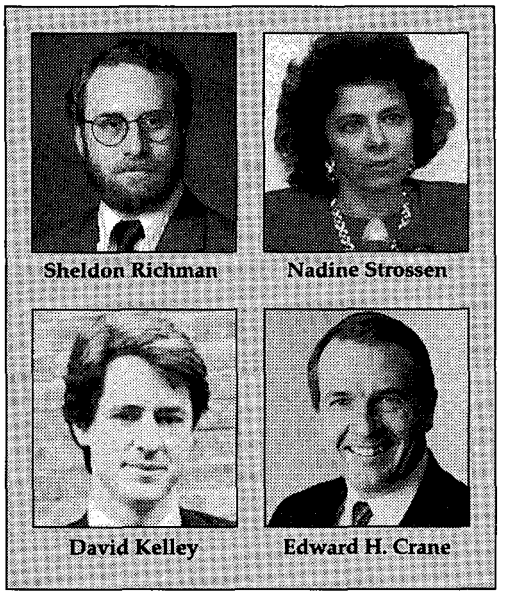

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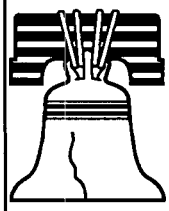

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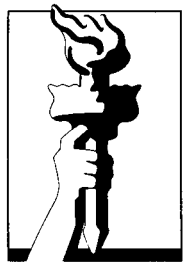

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shortage of legislative steps that can be taken." Hirsch would immediately restore the fairness doctrine and make the FCC a superagency run by Ben Bagdikian and other leftists. New laws would "democratize ownership of the media; [increase] corporate taxes; and [institute] a progressive tax on advertising."

Yes, Hirsch says, concerned viewers must "appeal to all parties to make the public interest paramount." Or he'll rescind your broadcast license. And what would "This Week with Alan Hirsch" resemble? "Firing Line." Wake me when it's over.

There are some legal problems with Hirsch's proposals—that pesky First Amendment, for example. But even if you buy the "public interest" violations Hirsch sanctimoniously cites, the round-table shows don't deceive anyone: They deliver what they advertise. "McLaughlin," "Inside Washington," and "The Capital Gang" bill themselves as sources for the latest Beltway gossip. And they provide it.

The news junkie who wants lengthy discussions of the issues should watch "MacNeil/Lehrer," "Nightline," or the Brinkley show. If you can dedicate only an hour each week to talk shows, "This Week with David Brinkley" offers the best mix—strong reporting, newsmakers who actually *say* things (Ferdinand Marcos announced the Philippine elections on the show), and a vibrant round table.

It has also made David Brinkley a star once again. Nearly a half century in Washington hasn't stamped out Brinkley's witty, just-folks demeanor, as he demonstrated to Secretary of Defense Dick Cheney just before the ground war began in the Persian Gulf. After extensive background on the sorry state of the Iraqi army, Brinkley asked, "If this were a poker game, what would you say Saddam Hussein was holding at the moment—a pair of nines?"

Still dissatisfied with TV punditry? There's another option for the terminally uninformed: print journalism. For less than the cost of basic cable service, a viewer can subscribe to the *Wall Street Journal* or the *New York Times*; for about the price of one premium cable channel, you can get home delivery of REASON, *The New Republic*, and *National Review*. If you don't have much time, or simply want to read what the TV pundits write, there are weekly tabloids that reprint only syndicated columns. They cost less than a buck a week. Options abound.

But those options bother Hirsch. While he recognizes the power television and its huge audiences can pack, he's afraid to permit TV to both entertain and enlighten viewers.

And there's a silly, conspiratorial tone to much of his criticism. "In part because most newspapers are owned by Republicans," he whines, "the most widely syndicated political opinion columnists are conservatives." PBS provides few public-affairs alternatives because "the absence of independent funding makes public television dependent on underwriters who crave large audiences and no controversy." He's upset that conservatives Bob Novak and George Will are TV stars and would openly welcome broadcast prominence for leftists Christopher Hitchens and Colman McCarthy.

Hirsch does offer some valuable insights. He notes that the frenzy of "The McLaughlin Group"—unlike the more refined atmosphere of "Inside Washington" and "Brinkley"—can dazzle a viewer. But "the difference between fifteen seconds of two sentences [per commentator] and thirty seconds of four sentences," he says, "is not the difference between deep and shallow discourse."

He also recognizes that most of these shows are "played between the 40-yard lines." Indeed, on the "Brinkley" show, discussions that fall outside the Beltway Wisdom get dismissed out of hand. And while I can't blame Bob Novak or Mike Kinsley for chasing the big bucks that come with exposure on TV, it's a shame that we've lost Novak the political historian and Kinsley the brilliant editor.

With these criticisms, Hirsch hits the bull's-eye. But the only "discourse" he would permit is the slow-moving format of "Firing Line." How does "democracy" benefit from discussions no one watches?

The pundit round table isn't only a

permanent fixture on weekend television; it may become our primary source of broadcast commentary. Perhaps audiences will tire of the rapid-fire format. But more serious commentators are entering this form of "infotainment"—Edward Luttwak has appeared on "The Capital Gang." These round-table shows can use thoughtful critics. It's too bad Alan Hirsch let crackpot ideology get in the way of some substantive analysis.

Rick Henderson is assistant managing editor of REASON.

...And Its Discontents

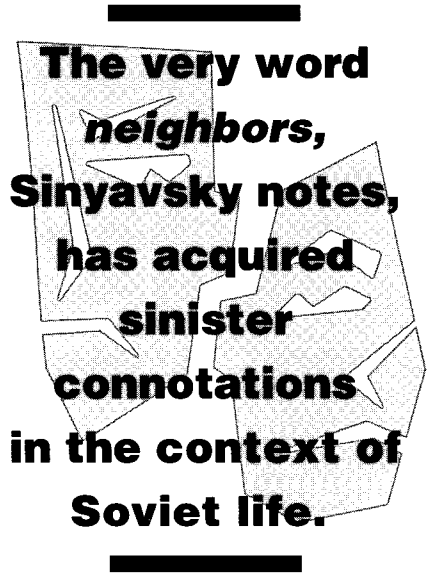
BY CATHY YOUNG

Soviet Civilization: A Cultural History, by Andrei Sinyavsky
New York: Arcade, $24.95, 291 pages

Now that the first and last stronghold of communism appears to be falling apart, there are still those who maintain that it didn't work because it was never tried properly. But what other way is there to judge a political ideology except by what happened when people set out to build a society on its principles? In *Soviet Civilization: A Cultural History*, one of the preeminent Russian writers of our age, Andrei Sinyavsky (who was slapped with seven years in labor camps in 1966 for getting published abroad and who now lives in Paris), draws on literature, history, and his own experience to offer a probing look at the realities and the myths of that society.

It is a system whose very name is a fraud, because, from the start, "it wasn't the Soviets—the elected councils—that were running the country but the Party apparatus." And yet, as Sinyavsky shows, Bolshevik ideology had its origins in the old Russian intelligentsia's passion for moral absolutes, in its religion of universal happiness. In the crucible of revolution and civil war, this passion, joined with the elemental rage of mobs let loose, was transformed into the worship of violence and terror as a way of clearing the debris of the old world to make room for the new one.

Hence the Soviet cult of Felix Dzerzhinsky, the head of Lenin's secret police. In a system of values that not only permitted but prescribed lies, murder, and torture for the sake of the revolution, "this chief hangman and jailer became the preeminent moral model," who, not unlike Christ redeeming humanity's sins with his death, "takes sins upon himself...in the name of the creation of a Heavenly Kingdom on earth." Eventually, the commandment to kill and lie if that was what historical necessity dictated became a commandment to kill and lie if that was what the leader wanted.



And what was the end that supposedly justified these means? The communists' utopia, of course, required the eradication of self-interest and proprietary attitudes: "The most egregious sin...is egoism or individualism, the desire to live for oneself as opposed to the common good." In a 1932 poem, revolutionary bard Eduard Bagritsky turned his rage on the owner of a small country house with a garden: Although this "suburban man" earns his living honestly even by Soviet standards, he becomes "the embodiment of the old, self-centered way of life that now must be destroyed."

In place of the individual, however, came not the brotherhood of man but an omnipotent state with ecclesiastical claims on human souls. Sinyavsky observes that "during collectivization, the peasant who owned two cows was sent to Siberia as a 'kulak' while the district [Party] committee president next door, with access to much more than the value of two cows, prospered." The clue to this puzzle is that the peasant tries to be his own boss while the official "possesses nothing of his own, only the power and wealth conferred on him by the State whose interests he protects." Thus the promise of equality ended in a new system of privilege, all the more absurd and outrageous because, in deference to the ideological fiction of classlessness, it remained a secret (one of the world's worst kept).

While it failed to remodel the human psyche, the communist "State-Church" did quite well in warping it. Sinyavsky is at his most scathingly brilliant in showing how attempts to eradicate individualism and instill brotherhood led to exacerbated tensions, rivalries, and petty hatreds. Crowded into communal apartments with unrelated families, the new Soviet man is reduced to "battling his neighbors for his time in the kitchen or the toilet." In a 1929 short story by the great Soviet satirist Mikhail Zoshchenko, tenants fight over the electricity bill, spying on each other to find out if anyone keeps the lights on too long. At last, fearful of getting shafted, everyone tries to use up as much electricity as he can—running up a bill so huge that the electricity has to be cut off. If you think this is hyperbole, read Sinyavsky's account of his own hilariously horrifying struggles with resentful neighbors. You will see why the very word *neighbors* has acquired sinister connotations in the context of Soviet life.

This *real* dog-eat-dog competition, together with all-pervasive criminality caused by the amorphous nature of "socialist property" and the plain fact that

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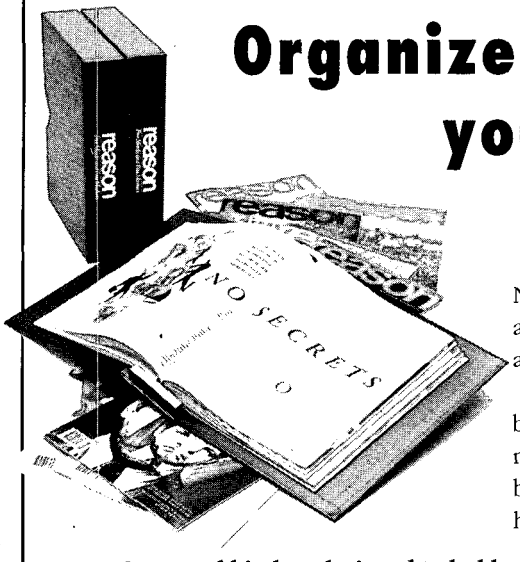

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one cannot survive without lawbreaking, adds up to the ultimate paradox: "Socialism has brought about society's desocialization." Nor has man been relieved of the need to fend for himself. On the contrary, the ultimate Soviet type is "the old fox" adept at outsmarting the state and his fellow man. "Man continues to fight for his happiness, and even more zealously than he might do so ordinarily....All in vain. There is no life in any real sense. The way of life seems cursed for having been built on a wasteland where there is neither individual nor society, only the State."

Sinyavsky also looks at the way "proletarian internationalism" mutated into a new nationalism that emphasized Russia's special place as the mother of the communist revolution, and at the origins and significance of dissidence in the 1960s and '70s. Not to be missed are the gripping portraits of Lenin, the quiet scholar who treated killings and bombings like so many mathematical formulas (there is nothing worse than a cold, ultralogical mind acting on a crazy premise), and of Stalin, the intuitive, even "artistic" despot with a flair for the magic and mystery of power and a deadly sort of black humor. Rich in striking vignettes and provocative insights, *Soviet Civilization* captures better than many a hefty tome the essence of the Soviet regime as we knew it until the late 1980s.

When it comes to more recent developments, though, Sinyavsky's analysis seems seriously off-target. Unlike many who are inclined to mistrust Gorbachev but see the reforms he unleashed as irreversible, Sinyavsky is rather soft on the man ("For now we have no reason to doubt the sincerity of Mikhail Gorbachev and of his noble efforts and intentions") but highly skeptical of the cause; he seems certain that one day, things will be back to "normal." Some of his misgivings—about the army, the KGB, and the reluctance to break up the empire as powerful obstacles to liberalization—have proved prophetic. But the fatal flaw of *perestroika*, in Sinyavsky's eyes, is that it is an attempt to introduce freedom by decree: "Once

again, Soviet liberalism and the sovereignty of the Russian people are ultimately contingent on the goodwill of the father-tsar."

This certainly applies to *perestroika* as conceived by Gorbachevite reformers. But what Sinyavsky describes is now so distant as to have an unreal quality. The "goodwill of the father-tsar" seems to have been exhausted; at any rate it is no longer trusted by the people. Yet the freedom-loving impulse survives, emerging with unexpected strength at the grassroots level. Hundreds of thousands, if not millions, are suddenly willing to stand up and march against communist slavery, even if they do not have a very clear idea of freedom—and even if their determination fails to hold up in the face of a more brutal crackdown. There is no hint of any of this in *Soviet Civilization* (completed in early 1990), no mention of any spontaneous political force except for the anti-Semitic Pamyat—though by all accounts its following is a mere fraction of that of prodemocracy groups. Sinyavsky continues to view Soviet public life in terms of the all-powerful state versus the lone individual whose sole weapon is his conscience. Perhaps he is unwittingly clinging to this outdated scheme because it bestowed a uniquely important role on the intellectual and, specifically, the writer.

Sinyavsky may have also made a fundamental, and surprising, mistake in overestimating the stability of Soviet civilization, on which he insists throughout the book, likening it at one point to the pyramids of ancient Egypt. This is surprising because his own observations point to a different conclusion: that it was all smoke and mirrors. Sinyavsky is right to say that, just as a pyramid cannot be "restructured" into a Greek temple, the Soviet system cannot be restructured into a democracy; it can only crumble and clear the space for a new society to be built. Perhaps the massive blocks of stone were held in place by beams of rotting wood. It is only to be hoped that, in collapsing, they do not crush too many victims under their dead weight.

Cathy Young is the author of Growing Up in Moscow *(Ticknor & Fields).*

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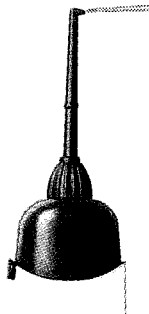

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Well, I may have a little trouble getting you to play this game with me, but the punch line is: *You already did.* Have fun? Great. Now we need to cover that $500 billion. No kidding. And thanks for being such a good sport.

There was never any real gamesmanship to this competition, overmatched as you taxpayers were. Oh sure, eggheaded economists at the Fed were writing nasty things about "unfunded liabilities" and "moral hazards" and "socialization of risk" back in the early '80s...but who wants to hang with those fuddy-duddies?

You've got to admit that the guys in the white shoes had a field day. In 1980 Congress raised the per-account limits for federal deposit insurance from $40,000 to $100,000 and dramatically increased the range of stores in which the S&Ls could shop. By the mid-'80s, the S&L sector was the financial equivalent of "Supermarket Sweep." The congressional leadership knew a party when it saw one, and it instantly forged its own invite.

Jim Wright, Tony Coelho, Fernand St Germain, Alan Cranston, Donald Riegle, and a squad of lesser stars essentially tried out as S&L blocking backs. There was this very technical rule in the game that if the S&L overspent it was supposed to be constrained before the Deposit Insurance was activated. But the regulators were your basic bureaucratic nobodies whom powerful congressmen enjoyed crushing like little bugs—if properly motivated. Guys in white shoes bearing PAC money can really get congressmen up for the Big Crush.

The so-called Keating Five go down, on what passes for congressional ethics, in two parts: Alan Cranston (bad, bad Alan—good thing you're not running for re-election and, my God, you even look like a scapegoat) and the rest (you guys ought to be a little more careful about appearances). Yet it's always fun to see the bad guys squirm, particularly when they happen to be sanctimonious, self-promoting frauds. Hence Dennis DeConcini's Senate testimony that, when he met Mother Teresa, the first words out of her mouth were,"How's my good friend Charles Keating?" will be featured prominently in the highlight film of this great game.

Cranston's pathetic fall echoes thunderously. Since he's a famous Hollywood Liberal, kissy-face with Morgan Fairchild and the Hollywood Caring, his m.o. as a fixer for the rich & powerful is just slightly embarrassing. To trade political influence for a little extra political cash ($1 million is peanuts to a California liberal) is so distastefully yuppie-Republican that Cranston still can't believe he did it. Hence a truly amusing stream of denials by the senior senator from California, who, in private, was literally begging to do favors for the Lincoln Savings scamsters ("if you need a little grease, go see Al") while cadging megafunds on the very same letterhead.

Cranston's defense is that he was simply engaged in the business of politics: constituent service. Congressmen and women help people. And they raise campaign money. It's perfectly legal so long as no one ever makes the linkage explicit. Decency in high public office is a grammatical question. Legal: "Did those regulators shape up after I came down on them? Oh, by the way, I'm having a big fundraiser Tuesday." Illegal: "Did those regulators shape up after I came down on them because you bought tickets to the fundraiser I'm having Tuesday?" According to Cranston, the only difference between graft and democratic representation is punctuation.

Many cynics have long held this view, and they're thrilled that someone with Cranston's inside information would back their interpretation. But the true fascination concerns the way in which ideological spin controllers have painted the S&L crisis as borne of "deregulation." The game outlined above has been brushed with the "Reagan free market" smear by many pundits, who quote each other as proof of the fiction.

The fact that Carter-era rule changes kicked the process into motion is unexplored, as are the previous anticonsumer regulations limiting S&L risk taking, which essentially worked by robbing depositors of billions in interest. At the bottom of this scandal is the government subsidization of deposit insurance—socialization of risk, just as the econonerds warned.

Even front-page headlines in the *New York Times* make this ignominious episode, and its antidote, abundantly clear: "Reforms in Banking Call For a Shrinking U.S. Role." The fiscal hemorrhage from the gaping S&L hole has opened up some remarkably clear thinking. The emerging common ground in reform proposals, reports the *Times*, is this: "The nation's 12,926 commercial banks should move into a second phase of deregulation, one in which the Government's role as a savior of failing banks through deposit insurance would shrink."

We've just been put through a $500-billion remedial econ course—a bit pricey, perhaps, but at least we passed.

Thomas W. Hazlett teaches economics and public policy at the University of California, Davis. This year he is a visiting scholar at Columbia University.

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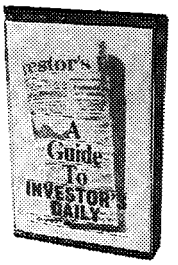

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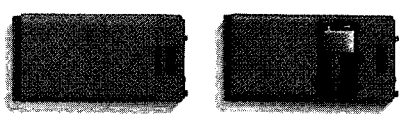

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